

**CALIFORNIA MISSIONS PRESERVATION ACT; BARANOV
MUSEUM STUDY ACT; MANHATTAN PROJECT NATIONAL
HISTORICAL PARK STUDY ACT; AND JOHNSTOWN FLOOD
NATIONAL MEMORIAL BOUNDARY ADJUSTMENT ACT**

HEARING
BEFORE THE
SUBCOMMITTEE ON NATIONAL PARKS
OF THE
COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
ONE HUNDRED EIGHTH CONGRESS

SECOND SESSION

ON

S. 1306	H.R. 1446
S. 1430	H.R. 1521
S. 1687	

MARCH 9, 2004



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CALIFORNIA MISSIONS ACT; BARANOV MUSEUM STUDY ACT; MANHATTAN PROJECT NATIONAL HISTORICAL PARK STUDY ACT; AND JOHNSTOWN FLOOD NATIONAL MEMORIAL BOUNDARY ADJUSTMENT ACT

TUESDAY, MARCH 9, 2004

U.S. SENATE,
SUBCOMMITTEE ON NATIONAL PARKS,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:52 p.m., in room SD-366, Dirksen Senate Office Building, Hon. Craig Thomas presiding.

**OPENING STATEMENT OF HON. CRAIG THOMAS,
U.S. SENATOR FROM WYOMING**

Senator THOMAS. We will call this meeting to order. We had a little confusion on the time here because of voting, but we will get on with it here very soon.

In that some of the participants are still over voting, we are going to go ahead and open the hearing with a statement from Senator Murkowski, and I think there is one witness on that bill, and then we will move to the others. So, Senator?

[The prepared statement of Senator Feinstein follows:]

PREPARED STATEMENT OF HON. DIANNE FEINSTEIN, U.S. SENATOR
FROM CALIFORNIA, ON S. 1306

Mr. Chairman, I want to thank you for holding a hearing on this bill, S. 1306, the California Missions Preservations Act, which is so important to me and to the people of California. This bill will support the efforts of the California Missions Foundation as they work to rehabilitate the 21 California Missions. Because these Missions house valuable Spanish colonial artifacts and represent the pioneering spirit of the Old West.

I am pleased to join Senator Boxer in cosponsoring this bill and applaud her leadership in introducing this legislation. I would also like to recognize the California delegation in the House, particularly Congressman Sam Farr, for introducing the House version of this bill and seeing to it that it passed the other Chamber.

Built over 225 years ago by Spanish settlers and Native Americans, the California Missions and their artifacts represent the rich cultural and architectural history of our country. The chain of 21 missions along California's El Camino Real ("The Royal Highway") represents the first arrival of non-Native Americans to California. Every one of the California missions tells a story about the history of California.

And yet, many of the missions are in states of serious disrepair.

They are, in some cases, termite infested, and experiencing structural deterioration and water damage—their artifacts cracked, broken or lacking their original luster.

Last October, for instance, at Mission San Gabriel Arcangel a wooden beam fell from the ceiling and crushed some of the 197 year old artifacts—thankfully, injuring no one.

And in December, after an earthquake hit central California, Mission San Miguel Arcangel experienced a one-inch crack on one wall from floor to ceiling. It also suffered major cracks on five pillars, and lost an original American Indian mural.

Because of the extent of the damage, the decision was made to close the Mission indefinitely and some now question whether the building will ever be reopened. This is particularly disheartening knowing that it is the only mission in California that had all its original interior paint.

Mr. Chairman, this is just one example of the state of the Missions. I don't want to stand by and watch more California treasures deteriorate beyond repair.

This bill authorizes the Interior Secretary to provide \$10 million in matching grants over five years to the California Missions Foundation, a non-profit organization charged with raising money to restore the missions. The Foundation will use the grants to restore the buildings, artwork, and artifacts associated with the Missions.

To ensure that the vast amount of state support is reflected, the bill requires a state, private or local match. The Foundation has been working overtime to raise private funds to match the \$2 million per year over the 5 years so that the Missions can be saved. They have been leading a statewide fundraising drive to solicit local money and it is my understanding that they are well on their way to reaching their goals.

The California missions are the most visited historic attractions in the State, drawing more than 5 million tourists a year. They serve an important role in educating children and adults alike about the history and the early settlements in California.

The California Missions are state treasures and they are on the verge of being lost to us forever. We must make restoration and protection of the missions a priority.

We do not believe that time is our side. And I look forward to working with Senator Boxer and this Committee to get this done.

STATEMENT OF HON. LISA MURKOWSKI, U.S. SENATOR FROM ALASKA

Senator MURKOWSKI. Thank you, Mr. Chairman. I appreciate the accommodation this afternoon. And thank you for allowing me to offer an opening statement on my bill, S. 1430, pertaining to the Erskine House, which is an important historic structure in Kodiak, Alaska.

I would like to take a moment to recognize my constituent, the Honorable Carolyn Floyd, who is the mayor of the city of Kodiak, and who will be testifying shortly.

In addition, we have got Judith Bitner, Alaska's State Historic Preservation Officer, with us today. Judy is also the immediate past president of the National Conference of State Historic Preservation Officers and I am pleased to welcome her to Capitol Hill.

S. 1430 resolves a piece of unfinished business from the 107th Congress. In the Department of the Interior and Related Agencies Appropriation Act for fiscal year 2002, the 107th Congress earmarked \$250,000 for the Baranov Museum and the Erskine House. A portion of this money was intended to be used for a special resource study to determine whether the Erskine House would be a fitting addition to the National Park System. The money was earmarked in response to a recommendation by the Interior Department on February 11, 2000, that the Erskine House be studied for potential inclusion in the National Park System.

Even though funds for the study have been available since fiscal year 2002, work on the study has not yet commenced. This is because the National Park System New Area Studies Act states that

no study of an area for potential inclusion in the National Park System may be initiated without specific authorization of Congress.

S. 1430 provides the special authorization required to undertake the study.

I want to extend my appreciation to the National Park Service, the city of Kodiak, and the Kodiak Historical Society for working with my office on this legislation.

Now, the Kodiak Historical Society asks that I clear up a bit of confusion about the relationship of the Baranov Museum to the Erskine House. The Erskine House, which is the historic structure, is owned by the city of Kodiak. It presently houses the Baranov Museum. Museum collections are owned by the Kodiak Historical Society. And although S. 1430 speaks to the potential inclusion of the Baranov Museum in the National Park System, it is the Erskine House which is to be the focal point of the proposed special resource study.

I would, therefore, suggest that the subcommittee amend S. 1430 to state that it is the Erskine House, or the historic property itself, that is the subject of the study.

The city and the historical society have agreed that the special resource study should examine whether the Erskine House would merit inclusion in the National Park System with the Baranov Museum collections coming along, but also address the value of the historic structure to the National Park System if the historical society decided to relocate the collections to another location.

I understand that the National Park Service is agreeable to this, and at markup, I would ask that the subcommittee consider either an amendment to S. 1430 or appropriate legislative history to effect this intent.

But with these technicalities aside, the city, the historical society, and that National Park Service all agree that the special resource study authorized by S. 1430 will focus attention on the importance of preserving the Erskine House.

I want to thank the historical society and the city of Kodiak for allowing me to sponsor this legislation and would urge its swift passage. Thank you, Mr. Chairman.

Senator THOMAS. If I could ask the other witnesses to wait just a second, we will get Ms. Floyd here to make her statement. Welcome. Ms. Floyd is the mayor of the city of Kodiak, Alaska.

STATEMENT OF CAROLYN FLOYD, MAYOR OF KODIAK, AK

Ms. FLOYD. Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today and thank you for letting me testify early to discuss our support for Senator Murkowski's bill, S. 1430, to conduct a special resources study of the Erskine House. I am Carolyn Floyd, mayor of the city of Kodiak, Alaska for the past decade. I am a 48-year resident of Kodiak Island and have come to know the Erskine House both in my official capacity and as a member of the community.

The city of Kodiak appreciates Senator Murkowski's efforts to move the Erskine House study forward, and we thank the National Park Service for their support and cooperation in this regard as well. Kodiak enjoys a fine working relationship with the Park Serv-

ice in our region, and we look forward to continuing the collaborative effort.

The Erskine House is one of Kodiak Island's and, indeed, America's historic jewels. Designated a National Historic Landmark in 1962, it is one of only four remaining western hemisphere Russian period structures. Built by the Russians in 1808, the structure houses a unique collection of Native Alaskan and Russian artifacts, representing the historical continuity between the Russian American and the Alaska commercial trading companies.

The city of Kodiak believes such a unique structure deserves full consideration for potential inclusion in the National Park System. Completion of the special resources study, initially funded in 2002, will enable the National Park Service to thoroughly determine the feasibility and suitability of designating the building as a unit of the park system.

It is important to note here that the Park Service previously recommended the Erskine House study in the fiscal year 2002 budget and that Congress provided the necessary funds to conduct the study in Public Law 105-391. All that remains now is for Congress to authorize the study, for Kodiak to complete the study with the Park Service technical support, and then for the Park Service to review the study and provide final recommendations to Congress. Senator Murkowski's legislation will finally allow this process to start to take place.

The Erskine House collections are owned and managed with care by the Kodiak Historical Society. Together with the historical society, the city of Kodiak has done its very best to maintain the integrity of the overall structure since the building was saved from destruction after the 1964 earthquake and tidal wave. Unfortunately, neither the historical society nor the city is well equipped to adequately maintain such a fragile building, and there are genuine concerns for the long-term future of the structure and adequate protection of the artifacts.

We believe the only way to ensure survival of this historic structure is to conduct a thorough review of the facility with support from the most appropriate agency and staff members that do this type of specialized work. And we believe the National Park Service is the organization best suited to examine this structure and hopefully preserve its long-term future as a national treasure. The special resources study is the first critical step in this process.

Mr. Chairman and members of the subcommittee, thank you for this opportunity to comment on Senator Murkowski's bill, S. 1403, and for your consideration of helping the city of Kodiak and the Nation preserve this treasure, the Erskine House. Thank you.

[The prepared statement of Ms. Floyd follows:]

PREPARED STATEMENT OF CAROLYN FLOYD, MAYOR OF KODIAK, AK, ON S. 1430

Dear Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to provide written testimony in support of Senator Murkowski's bill S. 1430, to authorize a Special Resources Study of the Erskine House, located on Kodiak Island, Alaska. We truly appreciate Senator Murkowski's efforts to move this study forward and we thank the Members of this Subcommittee for taking the time to hear from the City of Kodiak.

I am Carolyn Floyd, Mayor of the City of Kodiak, currently serving my 11th year as mayor of the City. I have called Kodiak Island home for 48 years. I have come to know the Erskine House in both my official capacity and as a resident of Kodiak.

The Erskine House is one of Kodiak Island's, and indeed America's, historic jewels. Designated a National Historic Landmark in 1962, it is one of only 4 remaining Western hemisphere Russian period structures. Built by the Russians in 1808, the structure houses a unique collection of Native Alaskan and Russian artifacts, representing the historical continuity between the Russian American and Alaska Commercial trading companies.

Together with the Kodiak Historical Society, the City of Kodiak has done its very best to maintain the integrity of the overall structure since the building was saved from destruction after the 1964 earthquake. Unfortunately, neither the City of Kodiak nor the Historical Society is well equipped to adequately maintain such a fragile building and there are genuine concerns for the long-term future of the structure, and protection of the artifacts.

A Federal Architectural Conservation Assessment was made of the Erskine House and surrounding grounds in 1993 by historical architectural engineer, James R. McDonald Architects. The report identified many needs, including but not limited to: installation of a new porch and upgrade stairs for adequate safety; replace dilapidated concrete and replace portions of the rock retaining wall; upgrade restrooms; replace windows on all three floors and porch; wiring and circuit box must be replaced to ensure safety of building and visitors; install a fireproof door on the furnace room; and upgrade to a fire suppression system recommended for historic structures. An updated assessment was conducted in 2002 and reached similar conclusions regarding required repairs and maintenance.

Despite the deficiencies highlighted in the 1993 and 2002 site assessments, much work has actually been accomplished on the Erskine House. Since 1967, over \$500,000 has been spent on building improvements by the City of Kodiak. The foundation was repaired in 1978, the second floor strengthened in 1985, and in 1997 the second and third floors were insulated. The City of Kodiak recently replaced the roof but there is much work yet to be done and neither one of these entities are especially well suited to this type of historical preservation.

The City of Kodiak believes the only way to ensure survival of this historic structure is to conduct a thorough review of the facility with support from the most appropriate agency and staff members that do this type of specialized work. And we believe the National Park Service is the organization best suited to provide technical assistance to help the City examine this structure and hopefully, preserve its long-term future as a National historic site. The Special Resources Study is the first critical step in this process.

With these concerns in mind and working with the Alaska Congressional Delegation, the City requested a Special Resources Study (SRS) in 2000 to determine the suitability and feasibility of designating the structure as a unit of the National Park Service. The National Park Service fully recommended the Erskine House for a SRS in the fiscal year 2001 budget and Congress provided the necessary funds (i.e. \$250,000) to conduct the study in Public Law 105-391. Unfortunately, the budget/appropriations processes preceded the authorization process and as a result, the City was unable to move forward with the SRS in 2001.

S. 1430 will finally provide the necessary authorization for completion of the study using existing funds. Furthermore, the legislation calls for the NPS to submit a report within one year describing the findings of the study and any conclusions and recommendations of the Secretary of the Interior. We fully support those components of S. 1430.

The City of Kodiak enjoys a fine working relationship with both the NPS and the Kodiak Historical Society. We look forward to continuing this collaborative effort to complete the SRS as soon as feasible and ultimately determine what is best for the Erskine House and its associated collections.

We believe such a unique structure deserves full consideration for potential inclusion in the National Park System. Completion of the SRS, initially funded in 2000, will enable the National Park Service to thoroughly determine the suitability of designating the building as a unit of the Park system.

Mr. Chairman and Members of the Subcommittee, thank you for this opportunity to submit written testimony in support of Senator Murkowski's S. 1430 and for your consideration of helping the City of Kodiak and the Nation preserve the beloved Erskine House.

Senator THOMAS. Fine. Thank you for being here. What is the population of Kodiak?

Ms. FLOYD. Of the city of Kodiak, it is about 6,800 right now.

Senator THOMAS. Well, thank you so much for being here.

Ms. FLOYD. Thank you.

Senator THOMAS. Let me go back then and say good afternoon, welcome representatives from the Park Service and other witnesses at today's National Parks Subcommittee hearing.

Our purpose is to hear testimony on three Senate bills and two bills from the House.

S. 1306 and House companion H.R. 1446, to support the efforts of the California Mission Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve artworks and artifacts of these missions, and for other purposes.

S. 1430 we have just heard with respect to the museum in Kodiak, Alaska.

S. 1687, a bill to direct the Secretary of the Interior to conduct a study on the preservation and interpretation of historic sites of the Manhattan Project for potential inclusion in the National Park System.

And finally, H.R. 1521, a bill to provide for additional lands to be included within the boundary of the Johnstown Flood National Memorial in the State of Pennsylvania and for other purposes.

So, let me thank the witnesses for being here today and we look forward to hearing your testimony.

Senator, do you have any comment?

**STATEMENT OF HON. JEFF BINGAMAN, U.S. SENATOR
FROM NEW MEXICO**

Senator BINGAMAN. Very briefly, Mr. Chairman. Thank you for having the hearing.

I am here, of course, to support, in particular, S. 1687, which is this bill to authorize the National Park Service to do a study of the Manhattan Project or sites that could be preserved and interpreted for the public with relation to the Manhattan Project. It is an important piece of legislation for my State, particularly, because of the prominence of Los Alamos National Laboratory and the city of Los Alamos in northern New Mexico.

Also, the issue of the Trinity Site is one that we have discussed and may or may not be included.

I do have a letter of strong support for this legislation from the Director of Los Alamos National Laboratory, Pete Nanos, and I would ask that it be included in the record.

Senator THOMAS. It shall be included.

Senator BINGAMAN. Thank you very much.

Senator THOMAS. Thank you, Senator.

We are very pleased to have Senator Barbara Boxer here and Congressman Sam Farr. Would you like to proceed?

**STATEMENT OF HON. BARBARA BOXER, U.S. SENATOR
FROM CALIFORNIA**

Senator BOXER. Thank you very much, Senator Thomas and Mr. Chairman. It means a lot to me personally that you are holding this hearing. We have been working with your staff. They have been very helpful in arranging it. The last time we had it set up, there was ricin in the building somewhere, and we had to cancel it. We had a lot of disappointed folks in California, but this happened here today. Of course, Congressman Farr will explain to you

the broad bipartisan support that he represents today in the House for this bill.

I am going to ask you if I could put my whole statement in the record, Mr. Chairman.

Senator THOMAS. It will be in the record.

Senator BOXER. And I would like to summarize it and try to do this in 5 minutes or less.

Senator THOMAS. Thank you, ma'am.

Senator BOXER. So I will speak quickly.

We all know that to understand the present, we have to understand the past. That is obvious. Mr. Chairman, we are in danger of losing our past, losing our history in California today, and that is why we are here.

I wanted to say a big thank you to Stephen Hearst for being here. It is very critical to us that he is here because he is going to give you the view from California as to why this is so very, very important.

If you look at this book, Mr. Chairman, this is a beautiful textbook. It is our textbook in California. It is a fourth grade book. You just see right here Life in the Missions. This is our history and it is a very interesting history. It is a very beautiful history. It is also a very painful history, but it is our history. The missions are such a piece of that history and contain irreplaceable artifacts made by Native Americans and others.

Some of the mission settlements grew into the major cities of today, cities I know that you have been in: San Diego, Santa Barbara, San Francisco. Mr. Chairman, even when you hear the term "missions revival" that essentially is reflected in the architecture of the buildings throughout our State and I am sure throughout yours as well.

All 21 missions are California registered historical landmarks and 7 of the missions are National Historical Landmarks. These missions contain rich resources that are important to understanding Hispanic colonial experience, Native Americans, and California. Thousands of treasures can be found in California missions—I am just going to show you a chart here—including Native American artifacts, paintings, statues, textiles, and tools.

There you see a mural made in 1791 that was just recently found at Mission Dolores in San Francisco. This is what they found, this exquisite work that they unearthed by working in that mission. All of this is threatened. We may never see it again if we do not act. So hidden from public view for 208 years, this mural was discovered in January under a trap door. The opportunities to discover such significant artwork will be lost if we are not able to preserve our missions and their artifacts.

I am before you today because I feel this is a mission of enormous proportion and it is sort of an emergency mission because when you see later the status of our missions and what is happening. 18 of the 21 are made of adobe or dried mud. The forces of nature, such as water, winds, insects have destabilized the structures, caused deterioration and damaged the artifacts. Insufficient foundations combined with earthquakes have undermined the stability of mission buildings, and all need seismic retrofitting. As a

result, collapse of some structures is imminent without immediate repair.

We will show you Mission Soledad. You can see where weathering, exposure, and neglect have taken their toll on this mission.

And now, post-quake, I want to show you about the Mission San Miguel in San Miguel, California. This is the most endangered California mission. It has been closed entirely since the December earthquake. Even before the earthquake, the walls were badly cracked, and then afterwards—this is the one after. You can see what is happening. The cracks are formed when water percolates into the adobe.

Many missions are losing precious Native American artifacts. I will show you the Mission Santa Barbara photo. This gargoyle, when you find it, was carved by the Chumash Indians at Mission Santa Barbara. It is called a lavanderia, or a wash basin. Unfortunately, it has experienced years of erosion and weathering.

Mr. Chairman, the California Missions Foundation, whose executive director is here today, is leading a statewide campaign to raise \$50 million to repair the missions and preserve their historical and cultural treasures. You can see from our bill we are asking, “Can the Federal Government help with \$10 million of the \$50 million because we feel that would give them a huge boost?” We believe that only by working together will we succeed. Again, the need is absolutely urgent.

The bill before us today, the California Missions Preservation Act, again would authorize \$10 million in matching grants—matching grants. It is not a giveaway—over the next 5 years for the California Missions Foundation to repair, restore, and preserve the artworks and the artifacts and the missions.

Now, I want to just take a minute to express my frustration that the administration today, Mr. Chairman, is going to be opposing this legislation. We had a little discussion here, which was a pretty feisty discussion, but that is OK because that is what democracy is. We disagree. They are basically saying you do not need this. Mr. Chairman, they are telling you we do not need this. You can take this money from existing funds.

Well, the reason that we are here today and the reason the House acted so quickly and Chairman Pombo acted so quickly with Congressman Farr is because we know there is not enough funding in these other accounts. This is not part of the Historic Preservation Fund. This is a separate authorization and appropriation specifically for this project because we do not want to take away from all the other needs of the country, and yet we have an emergency circumstance.

We got a little bit into a discussion here because apparently the administration just does not see it this way, and that is their right. But I am hoping the testimony today will put you on our side here. We will see what happens.

The earthquake that forced Mission San Miguel to close just shows you how precarious this whole thing is. And once these are gone, they are gone. It is not like a marshland. You could restore a marshland if somebody illegally filled it. You just take out the fill. You work on it. You cannot in any way put these things back together again. No way.

Let me tell you about the bipartisan support because, Mr. Chairman, I know it is important to you. Sam Farr and David Dreier with 47 bipartisan cosponsors, the two Senators from California support this. The House bill passed last October.

I have received 40 endorsement letters and I am not going to go through any but one, and I would ask if they could put up the chart of the letter from my Governor. Would you read it, Sam? Because it is too far away from me.

Mr. FARR. Do you want me to read the whole letter?

Senator BOXER. Yes, I do.

Mr. FARR. It's to Honorable Barbara Boxer.

Dear Senator Boxer, some of the most significant and identifiable historical features of the Spanish and Mexican periods in California are the 21 missions built along El Camino Real between San Diego and Sonoma. The most important sites have left a durable architectural, social and spiritual imprint on the State and deserve a higher level of support than has been available in the past.

I strongly support your bill, S. 1306, the California Missions Preservation Act, to aid the efforts of the California Missions Foundation to restore and repair the missions and their historical collections.

Thank you for your efforts to care for an irreplaceable part of California's heritage. We cannot lose these treasures of our past.

Sincerely, Arnold Schwarzenegger, Governor of California.

Senator BOXER. Thank you, Congressman, for reading that.

I am just going to finish here. You are going to have some testimony on separation of church and state. I find it interesting because I am a believer in separation of church and state. That is why when this legislation was put together, it was put together in a very careful way, that the funding goes to a foundation, not to a religious entity. We think that is the proper way to do this. We believe we are taking kind of a moderate approach because you have got one side saying get money from the church and do this with the church, which we think will open it up to delays and problems because of church-state issues. The other side says do not give any money that has anything to do with the missions because somehow it is affiliated with the church.

We stand in the middle here. We are saying we have a way to do it that accomplishes our goal, and avoids the church-state issue. This is another issue. The administration is suggesting that we work with the church on this, and we know that will raise all kinds of questions. We do not have time to debate the nuances of any of this because we are losing our missions.

That is why I am so happy that you held this hearing today. I am so happy Steve Hearst is here and Sam is here.

I will stop at this point, telling you that there is ample precedent for this in Texas. There is a separate piece of legislation creating a park in Texas that is involved with the missions and they hold services there. We have never had any problems with it. So we have the precedents.

We have the matching funds 4 to 1. We put up a dollar. They give us 4. We have an emergency. We have history and I think this is an exciting way to move forward and really help not only California because if you ask people of California, they will tell you the most visited spots in our State are our missions and people come from all over the country, indeed, all over the world.

We thank you so much for patience and for your help.

[The prepared statement of Senator Boxer follows:]

PREPARED STATEMENT OF HON. BARBARA BOXER, U.S. SENATOR
FROM CALIFORNIA, ON H.R. 1446/S. 1306

First of all, I want to express my gratitude for the help and cooperation that you, Mr. Chairman, and your staff have provided in bringing the California Missions Preservation Act before the Subcommittee today. Thank you.

As you know, Mr. Chairman, to understand the present, you must first understand the past. Our society values the preservation of historic and cultural artifacts, as well as symbols of our nation's history. That is why we must preserve the California missions. They are an important piece of our nation's history—the European settlement and colonization of the Western United States—and contain irreplaceable cultural artifacts made by Native Americans.

Mr. Chairman, the story of the California missions could be recounted by every fourth grader in the State of California. The history of the California missions is a required part of the statewide fourth-grade history curriculum. In this fourth-grade history book, Mr. Chairman, there is an entire section dedicated to the history of the California missions, and their significance in Spanish colonial settlement of the Western United States. Some of these settlements grew into the major cities of today, including San Diego, Santa Barbara and San Francisco. Even the architectural style of the missions, referred to as "Missions Revival," is reflected in the architecture of buildings throughout California.

Today, all 21 missions are California Registered Historical Landmarks and seven of the missions are National Historical Landmarks. These missions all contain rich archaeological resources that are important to understanding the Native American and Hispanic colonial experience. Thousands of treasures can be found in the California missions, including Native American artifacts, paintings, statues, textiles and tools. A mural made in 1791 by Native Americans was just recently found at the Mission San Francisco de Asis, referred to as Mission Dolores.

Hidden from public view for 208 years, the mural was discovered in January under a trap door—Native people of San Francisco, Ohlone and other tribes that lived at the mission made this beautiful mural. The opportunities to discover such historically significant artworks will be lost if we are not able to preserve our missions and their artifacts.

And we need to preserve the missions. They are in dire need of structural repairs, restoration, and major rehabilitation. Eighteen of the twenty-one missions are made of adobe, or dried mud. The forces of nature, such as water, wind, and insects, have destabilized these structures, caused deterioration, and damaged artifacts. Insufficient foundations combined with earthquakes have undermined the structural stability of mission buildings, and nearly all need seismic retrofitting. As a result, collapse of some structures is imminent without immediate repair.

Mr. Chairman, let me show you a photograph of Mission Soledad in Soledad, California. You can see where weathering, exposure and neglect have taken their toll.

Mr. Chairman, I'd also like to tell you about Mission San Miguel in San Miguel, California. This is the most endangered California mission and has been closed entirely since the December earthquake. Even before the earthquake, the walls were badly cracked. This photograph, taken before the recent earthquake, shows the massive cracks in the walls. Approximately two years ago, the wood beam was put in to reinforce the window. Within months, the wall above the window collapsed. After the earthquake, further damage was done, as shown by this exterior view of the window of the mission. These cracks are formed when water percolates into the adobe.

Many missions are also losing precious Native American artifacts. This gargoyle was carved by the Chumash Indians at Mission Santa Barbara. It is called a lavandería, or a washbasin. Unfortunately, it has experienced years of erosion and weathering.

Mr. Chairman, the California Missions Foundation is leading a statewide campaign to raise \$50 million to repair the missions and preserve their historical and cultural treasures. However, only the collaboration of federal, state and private efforts will save these resources.

And, the need for resources is critical and urgent.

The bill before us today, the California Missions Preservation Act, would authorize \$10 million in matching grants over the next five years for the California Missions Foundation. The funds would be used to help restore and repair the California missions and to preserve the artworks and artifacts associated with the missions.

The Administration will say that funding for the preservation of the missions should come from other sources of funding, such as the Save America's Treasures

program. Mr. Chairman, the need to save these missions and their artifacts is urgent. This is a special case. While I strongly support the Save America's Treasures program, I do not believe it is sufficient to deal with this situation. The earthquake that forced Mission San Miguel to close only exacerbated the critical need for dedicated resources to save these missions.

Additionally, there is broad, bipartisan support for the California Missions Preservation Act. In the House, this bill was introduced by Representatives Sam Farr and David Drier with 47 other bipartisan cosponsors. I introduced this legislation, along with Senator Feinstein, in the Senate.

As you know, the House bill passed last October. I have received over 40 endorsement letters for this legislation, which I would like to submit for the record. I would like to read just one, from Governor Schwarzenegger.

Finally, Mr. Chairman, I wish to respond to the main criticism of this legislation. As someone who strongly believes in the separation of church and state, I believe that federal funding should not be used for the promotion of religion. This is not what the legislation before this Subcommittee does.

The funding would be used for preservation of mission buildings and artifacts because of their historical value. Funding would be distributed to the California Missions Foundation—no religious entity would receive any federal funds under this legislation.

I believe that my approach is the right one on this issue. Some on the left say that repairing these historic treasures should not happen simply because religious services happen to be held there. Some on the right and the Administration say they oppose the bill because there is not enough involvement in preservation of the missions by the Catholic Church. This would in effect mean giving control of the money to the Church, which threatens our efforts by jeopardizing passage and implementation of the legislation. I think we've got it about right in this legislation.

And this is not unprecedented. This would not be the first time that federal funding has been used for the preservation of missions that are used for religious services. For example, the four Spanish frontier missions in San Antonio, Texas were established as the San Antonio National Historical Park in 1978 and receive federal funding each year. The purpose of establishing the park, according to the Act, was "In order to provide for the preservation, restoration, and interpretation of the Spanish missions of San Antonio, Texas." To this day, these missions still hold regular religious services.

Mr. Chairman, to lose our missions, is to lose our history. The bill before us is critical if we are going to preserve the California missions and their artifacts for future generations to enjoy. I strongly urge the Subcommittee to recommend that action be taken on this legislation immediately.

Thank you.

Senator THOMAS. Thank you, Senator.
Congressman?

STATEMENT OF HON. SAM FARR, U.S. REPRESENTATIVE FROM CALIFORNIA

Mr. FARR. Thank you very much, Mr. Chairman. I am delighted to be here and am very proud of this bill that we have sent over from the House on a voice vote of Congress, unanimous voice vote.

The bill in itself is no small feat for the State of California to get our delegation of 53 members, 48 of whom are cosponsors of this bill, including both our Senators on one bill is unheard of. We were able to do it.

I would like to submit for the record a letter from David Dreier, the chairman of the Rules Committee, who is the principal cosponsor with myself on this piece of legislation.

Senator THOMAS. It will be in the record.

Mr. FARR. I think that growing up on the west coast and learning so much history of the United States of the east coast, that people forget that even before the Boston Tea Party, the first California mission was established in San Diego in 1769. The last mission in the chain was established in 1823. California did not become a

State until 1850, and frankly was under Mexican rule until the 1840's. So this is really a significant history of the West, indeed.

All 21 missions are California registered historical landmarks and 7 of the missions already have a Federal nexus because they are National Historical Landmarks.

I might point out that in the National Park Service, in the San Antonio old town, the mission is still under operation of the Catholic order, but the surrounding of the mission and the outer walls is under the jurisdiction and ownership of the Federal Government and the Park Service.

I am fortunate. Of these 21 missions, 5 of them are in my district, so I have lived a lot with the issues that Senator Boxer talked about.

The California missions represent an historic vein running up and down our State, from south to north, and they also symbolize the east-west exploration that expanded our Nation to its four corners. Of all the institutions that define California heritage, none has the historic significance and emotional impact of the chain of Spanish missions that stretch from San Diego to Sonoma. The missions are a part of our cultural fabric and must be preserved as priceless historical monuments.

They are a living link to our past. They impact every Californian because I know when I was in the fourth grade and certainly when my daughter was in the fourth grade in both private and public schools, they study the missions because it is our link with history and with the native peoples that lived there. Normally what happens is a child draws one of the 21 missions and then has to write a report on it and often build a model. It is a science model and every family remembers it because the parents all get involved in usually visiting the mission and then trying to help the child build the model to hand in as a class assignment.

They also drive tourism. It is the State's third largest industry. Of all the sites in California that are most visited, California has over 5.5 million visitors a year that go to the missions. They account for a sizable contribution to each of the local communities that have them. We have a large number of international visitors. They have become synonymous with the State, as I said, in our education and history. For 230 years the missions have stood as symbols of western exploration and settlement.

And some of them, as Senator Boxer pointed out, are crumbling or at risk of full destruction. The need is there, particularly since the 1989 earthquake in northern California. We have a lot of cracking tiles, crumbling adobe, a backlog of needed repairs.

The price tag is really high. It is not something that the church can do on their own, and the message is clear that the California missions need help.

The bill provides an important step toward addressing some of the most severe problems the missions are facing. The legislation provides for an authorization of funding of up to \$10 million over the next 5 years, in partnership with the State of California and the California Missions Foundation. So it is a three-pronged stool. Of the \$50 million campaign, only one-fifth of it would come from the Federal Government.

The legislation that we have sent over here requires that each mission submit a list to the foundation of its most urgent preservation needs. All mission repairs and restoration projects are reviewed, approved, and supervised by professionals qualified in the discipline of history and history archaeology, archaeological history planning, architecture folklore, cultural anthropology, curation, conservation, landscape architecture or related fields.

The projects must be accomplished in accordance with the applicable Secretary of the Interior standards for treatment of historical properties. And although the Department is here and argues that this bill is essentially taking money out of the National Historic Preservation Act, this bill specifically does not allow that to be done. It says that as provided in section 101(e)(4), which is just one section of that act, that the Secretary shall use that to ensure that the purpose for the grant under this section is secular, does not promote religion, and seeks to protect those qualities that are historically significant. So they cite that act as a model for making sure that this is not the money given to the church.

It goes on to say in the last part of the bill, there is authorized to be appropriated a total of \$10 million during the 5 fiscal year period. To make grants under this section, this new section we are adding, funds appropriated pursuant to the authorization of appropriations in this section shall be in addition to any funds made available for the preservation efforts in the State of California under the National Historic Preservation Act. So it does not compete with existing funds.

I just think that this bill and the Senate companion bill provides us with an opportunity to address the needs of the missions which are an integral part of California history and a part of our curriculum and culture. And we would appreciate your support. Thank you.

[The prepared statement of Mr. Farr follows:]

PREPARED STATEMENT OF HON. SAM FARR, U.S. REPRESENTATIVE FROM CALIFORNIA,
ON H.R. 1446 AND S. 1306

Mr. Chairman, I thank you for holding this hearing today and for inviting me to testify on behalf of H.R. 1446 and its companion bill S. 1306, the California Missions Preservation Act.

This bipartisan bicameral legislation that I introduced is cosponsored by 48 of my House California colleagues and both Senator Feinstein and Senator Boxer. It was no small feat in itself getting this much support by the California delegation and voice passage in the House of Representatives on October 20th, 2003.

Mr. Chairman, even before the fuse that led to the explosion of American independence was lit at the Boston Tea Party, the first California mission was established in San Diego in 1769. The last mission in the chain was established in Sonoma in 1823.

All 21 missions are California Registered Historical Landmarks; seven of the missions have the federal status of National Historical Landmarks.

I am fortunate to have 5 of the 21 Missions in my district, extending along the coast of California on the El Camino Real: Santa Cruz, San Juan Bautista, La Soledad, San Antonio de Padua, and in my hometown of Carmel, San Carlos Borromeo del Rio Carmelo.

The California missions represent an historic vein running through our state, from south to north. And, they also symbolize the east to west exploration that expanded our nation to its four corners.

Of all the institutions that define California's heritage, none has the historic significance and emotional impact of the chain of Spanish missions that stretch from San Diego to Sonoma.

The missions are an important part of the state's cultural fabric and must be preserved as priceless historic monuments; they are a living link to our past.

The missions stand as landmarks of more than two centuries and are recognized for their important impact they have had on the development of California including art, architecture, agriculture, food, music, language, apparel and recreation.

The missions help drive tourism—the state's third largest industry. These iconic symbols of California are the most visited historic attractions in the state, attracting over 5.5 million visitors a year. They account for a sizeable contribution to the state economy from millions of tourists, including a large number of international visitors.

And they have become synonymous with the state's fourth grade curriculum: Students build mission models and write research reports as part of California history lessons. This serves as an important education function in teaching young students about the role of the missions in the history of our state and our nation.

For 230 years, the missions have stood as symbols of Western exploration and settlement. Time, natural deterioration and neglect have taken a heavy toll on the missions. Some are crumbling and are at risk of full destruction. Most need preservation and seismic work to restore their antique beauty and bring them up to modern safety standards. Without immediate repairs, these centuries-old structures could be lost. The need is urgent and near crisis proportions.

Rotting roofs. Cracking tiles. Crumbling adobe. The backlog of needed repairs is long. The price tag is high. And the message is clear. The California missions need our help. Now.

H.R. 1446 will provide an important step toward addressing some of the most severe problems the missions are facing. This legislation provides authorization for funding of \$10 million over five years, in partnership with the State of California and the California Missions Foundation's statewide funding campaign.

Under this legislation, the process requires that each mission submit a list to the Foundation of its most urgent preservation needs. All mission repairs and restoration projects are reviewed, approved and supervised by professionals qualified in the disciplines of history, history archaeology, architectural history, planning, architecture, folklore, cultural anthropology, curation, conservation, landscape architecture or related fields.

Projects must be accomplished in accordance with the applicable Secretary of Interior's Standards for the Treatment of Historical Properties.

All repairs and capital improvements must have competitive bids which the Foundation's Funding Review Committee reviews. The Foundation Board of Directors assesses the proposals and has final approval of all restoration projects funded. The missions are required to submit timely progress reports and accounting to the Foundation on all projects funded.

Since the Spanish friars and native peoples joined together in the building of these settlements, the land we call California has been shaped and influenced by what they accomplished in that most ambitious undertaking.

From the vineyards of Sonoma to the ranches of Santa Barbara to the adobe arcades and red tile roofs of San Diego, the California missions have left their mark on who we are and what we have become.

H.R. 1446 presents us with the opportunity to address the needs of the missions and to preserve an integral part of our nation's history and the heritage of the west that combines with the east to make these truly united states.

Senator THOMAS. Thank you very much.

Mr. FARR. May I add, Mr. Chairman? The National League of Cities is here. We are also fortunate to have David Gutierrez who is the mayor of the city of San Gabriel, which is where one of the missions is. In fact, he told me that this is how southern California was born, under his mission. So you can thank the city of San Gabriel for southern California.

[Laughter.]

Senator BOXER. May I sit in during the administration's testimony? Would that be all right?

Senator THOMAS. We will get right to that. First let me ask if Senator Cantwell has something she would like to say.

Senator CANTWELL. Thank you, Mr. Chairman. I did want to address S. 1687 if that is appropriate to do now.

Senator THOMAS. Well, we are ready to get the witnesses to come up here.

**STATEMENT OF HON. MARIA CANTWELL, U.S. SENATOR
FROM WASHINGTON**

Senator CANTWELL. Then let me go ahead. Thank you, Mr. Chairman. Thank you for holding this hearing. I am particularly pleased that S. 1687 is on the agenda, the Manhattan Project National Historic Park Study Act, which I am proud to be a cosponsor, along with Senators Bingaman, Domenici, and Murray.

This bill authorizes a special resource study to determine the suitability and feasibility of designating one or more of our facilities that have played a role in the Manhattan Project as a unit of the National Park System. As you know, the Manhattan Project was the Federal Government's top secret effort during World War II to develop nuclear weapons as an initiative that changed the course of history, and I believe it is of tremendous importance for the citizens of our Nation to learn more about the important functions of the various Manhattan Project sites in defending our Nation from World War II through the cold war, including the Hanford Reservation in my home State.

We must further recognize and understand the complicated and weighty issues arising from production of nuclear weapons, their impact on world history, as well as their human and environmental costs.

In recent years, Congress has taken a number of steps to ensure we are preserving and interpreting the site and stories of World War II from the industrial mobilization efforts commemorated at California's Rosie the Riveter National Park to the internment of the Japanese Americans who departed from Eagledale Ferry Dock on Bainbridge Island, to the World War II memorial on the National Mall. This story is compelling and one that deserves to be told.

We owe it to the future generations to preserve the history of the Manhattan Project noteworthy for the awe-inspiring achievements of science and engineering. The Manhattan Project must also be understood within the context of the sweeping ramifications for U.S. defense policy and American military strength, as well as the sacrifice of our Nation's atomic weapons workers and the staggering mission of nuclear production and now cleanup.

In January 1943, Hanford, Washington was selected by the War Department to serve as part of President Franklin Delano Roosevelt's Manhattan Project. The history of this area is a complicated one. Farmers and tribes were displaced, given 30 days to move from their homes in central Washington, and at the time the primary mission of the Hanford Reservation was to build the B reactor. As American scientists and their allies engaged in what was then perceived as a race with the Germans to develop nuclear capacity, the B reactor was built in 11 months as the world's first large scale plutonium production reactor. Quite simply, it was stunning feat of engineering which made significant contribution to U.S. national security during its production run from 1944 through 1968.

Mr. Chairman, the B reactor was first of an eventual nine nuclear reactors that remain on the banks of the Columbia River, a potent reminder of both the war effort and the costs Americans bore in this effort. The people of Washington State, especially the tri-city residents, are proud of this contribution, and we believe that the relics of the Manhattan Project such as the B reactor, which are incredibly important in understanding achievements that propelled this country and, along with their complicated moral issues, deserve to be preserved.

As the Department of Energy continues work at Hanford on cleanup, the country's most contaminated nuclear reservation, it is important that we also honor the achievements and important work done here today, as well as commemorating the tremendous sacrifices by workers, displaced families, and others.

Mr. Chairman, I would like to submit for the record testimony from Del Ballard, president of the B Reactor Museum Association, as well as Congressman Doc Hastings, in support of S. 1687. I look forward to working with my colleagues in ensuring the passage of this legislation as it is a study authorized for determining what are the best options for preserving this piece of American history.

Thank you, Mr. Chairman.

Senator THOMAS. Thank you. We will include the statements that you have.

[The prepared statement of Senator Cantwell follows:]

PREPARED STATEMENT OF HON. MARIA CANTWELL, U.S. SENATOR
FROM WASHINGTON, ON S. 1687

Thank you, Mr. Chairman, for holding this hearing today. I am particularly pleased that you have included on the agenda S. 1687, the Manhattan Project National Historical Park Study Act, which I am proud to cosponsor along with my colleagues Sens. Bingaman, Domenici and Murray.

This bill authorizes a special resource study to determine the suitability and feasibility of designating one or more of the facilities that played a major role in the Manhattan Project as a unit of the National Park System.

Mr. Chairman, I am pleased to have the opportunity to work with my colleague in the House, Congressman Doc Hastings, who represents this area in Congress. He has introduced a very similar bill in the House.

As you know, the Manhattan Project was the federal government's top-secret effort during World War II to develop nuclear weapons, an initiative that changed the course of world history. I believe it is tremendously important for the citizens of our nation to learn about the important functions the various Manhattan Project sites served in defending our nation, from World War II through the Cold War—including the Hanford Nuclear Reservation, in my home state of Washington.

Further, we must recognize and understand the complicated and weighty issues arising from the production and use of nuclear weapons, their impact on world history as well as their human and environmental costs.

In recent years, Congress has taken a number of steps to ensure we are preserving and interpreting the sites and stories from World War II. From the industrial mobilization effort, to the internment of Japanese Americans, to the World War II memorial on the National Mall, the story of World War II is a compelling one and deserves to be told. With the leadership of my colleague Sen. Feinstein, Congress in 2000 established the Rosie the Riveter/World War II Home Front National Park in California, commemorating the contributions of American industry to the war effort.

In 2002, President Bush signed into law the Bainbridge Island Japanese-American Memorial Study Act, authored by Sen. Murray and myself, along with Rep. Inslee. That legislation directs the Secretary of the Interior to evaluate for designation as a National Historic Site the Eagledale Ferry Dock on Bainbridge Island, Washington. Eagledale served as a point of departure for members of the Japanese-American community, on their way to internment camps during World War II.

While we cannot undue the injustices suffered by these citizens, certainly this nation must recognize their sacrifice and preserve the lessons we have learned.

I look forward to the opening of the World War II memorial on the Mall to commemorate our veterans.

And just as we must commemorate the contributions of our World War II veterans, we owe it to future generations to preserve the history of the Manhattan Project. Noteworthy for its awe-inspiring achievements of science and engineering, the Manhattan Project must also be understood within the context of its sweeping ramifications for U.S. defense policy and American military strength, as well as the sacrifice of our nation's atomic weapons workers, and the staggering mission of nuclear production and cleanup.

In January of 1943, Hanford, Washington was selected by the War Department to serve as a part of President Franklin Delano Roosevelt's Manhattan Project plan. The site was selected for several reasons: it was remotely located from populations center, which fostered security and safety. The Columbia River provided plenty of water to cool the reactors; and cheap and abundant electricity was available from nearby federal dams.

The history of this era is a complicated one—farmers and tribes were displaced, given 30 days to move from their homes in central Washington. By March 1943, construction had started on the site, which covers about 625 square miles. At the time, the primary mission of the Hanford reservation was to build the B Reactor. As American scientists and their allies engaged in what was then perceived as a race with the Germans to develop nuclear capability, the B Reactor was built in 11 months as the world's first large-scale plutonium production reactor. Quite simply, it was a stunning feat of engineering, which made significant contributions to U.S. national security during its production run, from 1944 through 1968. Plutonium from the B Reactor was used in the world's first nuclear explosion, called the Trinity test, in New Mexico on July 16, 1945; it was used in the "Fat Man" bomb dropped on Nagasaki, Japan on August 9, 1945; and it aided Cold War efforts until 1968.

Mr. Chairman, the B Reactor was the first of an eventual nine nuclear reactors that remain on the banks of the Columbia River—a potent reminder of both the war effort and the costs of that Americans bore in the name of freedom.

The people of Washington state, and especially the residents of the TriCities, are proud of their contributions to the World War II and Cold War efforts. We are left with these irreplaceable relics of the Manhattan Project—such as the B Reactor—which are incredibly important in understanding the engineering achievements that propelled this country into the nuclear age, with all of the complicated moral issues it poses for the possessors of such technology.

As the Department of Energy continues its work to clean up the Hanford Site, the country's most contaminated nuclear reservation, it is important that we also honor the achievements of the important work done here, as well as commemorate the tremendous sacrifices made by workers, displaced families and tribes, and this era's environmental legacy.

There is already strong support in the communities that surround Hanford for preserving the history of the Manhattan Project, and I would like to commend the B Reactor Museum Association and Bechtel Hanford, Inc. for all their work to date. In recent years, they have worked hard to decontaminate, clean, inventory, and spruce up B Reactor's interior so that people can walk in to see three chambers. But more work needs to be done.

Mr. Chairman, I would like to submit for the record testimony from Del Ballard, President of the B Reactor Museum Association, in support of S. 1687. I look forward to working with my colleagues to ensure passage of this bill, as the study it authorizes is a much-needed first step in determining the best options for preserving this important piece of American history.

Senator THOMAS. We are ready for panel one then, please. That would be Mr. Daniel Smith, Special Assistant, National Park Service, Department of the Interior.

**STATEMENT OF P. DANIEL SMITH, SPECIAL ASSISTANT,
NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR**

Mr. SMITH. Good afternoon, Mr. Chairman.

Senator THOMAS. Good afternoon. Welcome. You can go right ahead, Mr. Smith.

Mr. SMITH. I will try to summarize the four bills, Senator.

Senator THOMAS. Thank you.

Mr. SMITH. Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on S. 1306 and H.R. 1446 which would authorize the Secretary of the Interior to make matching historic preservation grants to the California Missions Foundation to restore and repair California's historically significant Spanish mission buildings.

The Department opposes S. 1306 and H.R. 1446. We cannot support this new Federal funding commitment at a time when we are trying to focus our available resources on taking care of existing National Park Service responsibilities. Nor can we support legislative earmarks that would effectively take limited and critically needed historic preservation operations funding away and divert it these specific purposes under the National Historic Preservation Act.

The Department strongly supports the principle that States, tribes, and local governments, not the Federal Government, are best suited to determine the highest priorities for awarding grants in each jurisdiction under the Historic Preservation Fund. This has been the guiding idea of the National Historic Preservation Act since its passage in the mid-1960's. There are many very worthy projects everywhere, including other individual and classes of historic buildings that are regrettably in need of assistance from the Historic Preservation Fund.

We believe, however, that there are other sources of funding available for the restoration of the California missions. One national example is the Save America's Treasures program that awards grants for preservation and conservation work on nationally significant intellectual and cultural artifacts and nationally significant historic structures and sites. Each California mission is a national class property and would, we believe, compete favorably in the Save America's Treasures program. The Department would be more than happy to work with the California Missions Foundation to develop Save America's Treasures applications, as well as fund-raising strategies to accomplish this important work.

Mr. Chairman, I will make a note for the record here. The Save America's Treasures grants are \$33 million of the \$77 million that is part of the National Historic Preservation Grant program. Congress currently earmarks \$15 million of that \$30-something million each year, and that is why we say these significant missions in California could certainly qualify for that congressional earmarking.

Mr. Chairman, thanks for the opportunity to testify on this bill.

The second bill, Mr. Chairman, is H.R. 1521, Johnstown Flood National Memorial.

Mr. Chairman, this bill would provide for additional lands to be included within the boundary of the Johnstown Flood National Memorial in the State of Pennsylvania. The amended bill, as passed by the House, would add six parcels of land to the boundary of the park to provide permanent protection for resources that are integral to the historic events that the park was established to commemorate.

The Department supports the President's initiative to address the deferred maintenance backlog and taking care of our current responsibilities. However, in this instance, Mr. Chairman, we are

faced with a unique situation concerning this boundary adjustment. The historic structures central to this acquisition have always been considered key components of the park, but were to be protected, maintained, and interpreted through a public/private partnership. However, that partnership can no longer perform this function based on financial problems. For this reason, the Department believes it is appropriate to move forward with this bill at this time.

In 1986, the South Fork Fishing and Hunting Club Historic District was listed on the National Register of Historic Places. In 1989 the Park Service and residents of Saint Michael undertook a joint planning effort. As a result of that plan, there developed a structured partnership between the village and the Park Service designed to protect these buildings.

Unfortunately, the Society now lacks the resources to continue to maintain the properties on their own. In 2000, the Society worked with a private nonprofit historic property development company to try to obtain private sector interest in purchasing the properties, but was unsuccessful.

In 2001, the Park Service completed a special resource study and environmental assessment to evaluate options for protection and interpretation of the additional parcels of land. Based upon that report, Mr. Chairman, the Park Service proposed to add these parcels of land to the boundary of the park and to acquire these parcels in fee simple.

If the Park Service were to acquire these buildings, we would explore the option of a public-private partnership to lease the buildings to the private sector for commercial and residential use under our historic leasing program.

Mr. Chairman, that completes my remarks on this bill.

Mr. Chairman, the third bill is S. 1430, a bill to authorize the Secretary of the Interior to conduct a special resource study on the Baranov Museum in Alaska.

The Department supports S. 1430 with the minor modifications explained in this testimony.

We believe this study would provide an opportunity to explore partnerships with a wide range of State, local, private, and other Federal entities for the purpose of protecting and interpreting important national and international cultural resources in the area the study would encompass.

It is our understanding that the city of Kodiak and not the National Park Service will conduct and fund this study from statutory aid already received for preservation of the building. The National Park Service will provide technical assistance to apply the criteria for suitability and feasibility to designate the museum or the house as a unit of the National Park System.

The Baranov Museum was designated a National Historic Landmark in 1962. The city of Kodiak owns the museum with management services provided by the Kodiak Historical Society. The society saved the building from the threat of demolition after the 1964 earthquake, and through their efforts there has been a lease since 1967 on the building.

In 1963, the National Park Service first conducted a suitability and feasibility study of the house and grounds as a new area and prepared a master plan for a proposed Old Kodiak National His-

toric Memorial. At that time there were considerations of use around the property that precluded that moving forward.

The National Park Service supports the opportunity to work with the city of Kodiak on this special resource study to ensure that all possibilities and alternatives for the future preservation of this National Historic Landmark are developed in full collaboration, consultation, and partnership with the community and its entities.

Mr. Chairman, that concludes my remarks on S. 1430, and we have attached that small technical amendment to the bill.

Mr. Chairman, finally, my testimony on S. 1687, to direct the Secretary of the Interior to conduct a study on the preservation and interpretation of the historic sites of the Manhattan Project for potential inclusion in the National Park System.

The Department does not oppose S. 1687 if amended as described in this testimony. While we agree that it is wholly appropriate to study ways to preserve these sites where the nuclear age began, we are concerned about the feasibility for management of these sites by the National Park Service, as the sites involved extremely large facilities with tremendous potential costs of maintenance and possible issues about safety in some of the buildings.

In light of the President's commitment to devote more resources to addressing the backlog of deferred maintenance in existing units of the National Park System, we have made an effort to curtail taking on new responsibilities. For this reason, we believe that the study should focus on evaluating alternatives for preservation and interpretation including what, if any, role might best be played by the National Park Service or other parties. We would suggest that S. 1687 be amended to specify that the study concentrate on those options, and we would be happy to work with the committee to develop an amendment for that purpose.

If directed by Congress and if funds are made available, an NPS special resource study would build upon the efforts of the Department of Energy and its preservation partners, including the Atomic Heritage Foundation and the President's Advisory Council on Historic Preservation, which have already identified the most significant sites associated with the Manhattan Project.

In 1999, recognizing the significance of the Manhattan Project, DOE prepared a study that identified eight "signature" facilities as being the most important places for understanding the development of nuclear weapons at the end of World War II.

In 2001, DOE partnered with the President's Advisory Council on Historic Preservation to conduct a survey of these eight facilities—all but two of these are under DOE ownership—and to make recommendations regarding their preservation.

In 2001, through Public Law 107-66, Congress directed DOE to prepare a preservation plan for the Manhattan Project. Last fall DOE awarded the Atomic Heritage Foundation a grant to produce a report on how best to preserve the history of the Manhattan Project so that the public and future generations can better understand what the Manhattan Project was, its legacy, and lessons for today.

Mr. Chairman, that concludes my testimony. I look forward to answering questions the committee may have.

[The prepared statements of Mr. Smith follow:]

PREPARED STATEMENT OF P. DANIEL SMITH, SPECIAL ASSISTANT, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ON H.R. 1306 AND S. 1446

Thank you for the opportunity to present the Department of the Interior's views on S. 1306 and H.R. 1446 authorizing the Secretary of the Interior to make matching, historic preservation grants to the California Missions Foundation to restore and repair California's historically significant Spanish mission buildings and their associated historic artworks and artifacts. Under this bill, grants up to \$10 million over a 5-year period would be made through the authority of Section 101 of the National Historic Preservation Act.

While the goal of this legislation is admirable, the Department opposes S. 1306 and H.R. 1446. We cannot support this new Federal funding commitment at a time when we are trying to focus our available resources on taking care of existing National Park Service responsibilities. Nor can we support legislative earmarks that would effectively take limited and critically needed historic preservation operations funding away and divert it to these specific purposes under the National Historic Preservation Act. The Department strongly supports the principle that States, tribes, and local governments not the Federal government are best suited to determine the highest priorities for awarding grants in each jurisdiction under the Historic Preservation Fund. This has been the guiding idea of the National Historic Preservation Act since its passage in the mid-1960s. Under the current process, the Department allocates blocks of funds to States and to Indian tribes who then, in turn, award funding to properties and projects that meet the most urgent needs within the individual jurisdiction. There are many and very worthy projects everywhere, including other individual and classes of historic building that are regrettably in need of assistance from the Historic Preservation Fund.

The Department of the Interior does support efforts to preserve for this and future generations the story of Father Junipero Serra and the founding of California's incomparable chain of colonial-era missions. Over a 54-year period beginning in 1769, Serra, and his fellow Jesuits, followed later by the Franciscans, built with native Indian labor a chain of mission complexes that today stretch along the coast for 600 miles from San Diego to Sonoma north of San Francisco. It is a rich story of tenacity, bravery, cultural conflict, greed, mistrust, and, ultimately, hope. As a nation, we are richer for Serra and his compatriot's struggles and for the labors of California's native peoples. We also are fortunate that so many of these remarkable historic places survive in California today. The Department recognizes that these missions are powerful tangible evidence of our nation's remarkable story and worthy of our care and attention.

We believe, however, that there are other sources of funding available for the restoration at the California missions. One national example is the Save America's Treasures program that awards grants for preservation and conservation work on nationally significant intellectual and cultural artifacts and nationally significant historic structures and sites. Each California Mission is a "national class property" and would, we believe, compete favorably in the Save America's Treasures program as well in any other fundraising campaign. The Department would be more than happy to work with the California Missions Foundation to develop Save America's Treasures applications as well as fundraising strategies to accomplish this important work.

We note that Section 3(c) of S. 1306 and H.R. 1446 requires detailed professional condition assessments and scopes of work to ensure that preservation and conservation needs are fully assessed, that the highest priority and most critical work is undertaken, and that any work supported by these grants meets the highest professional standards. The California missions are historic properties significant to every American citizen and we must ensure that any work done there is of the highest caliber.

Should S. 1306 or H.R. 1446 move to a committee markup, we would suggest requiring a formal partnership role for the appropriate Catholic Church archdioceses where the missions remain active churches and in church ownership. Without the full partnership and support of the Church, the most effective and best long-term preservation of these national treasures cannot be assured.

Mr. Chairman, thank you for the opportunity to provide our comments S. 1306 and H.R. 1446. This concludes my prepared testimony. I would be glad to answer any questions that you or the members of the committee may have.

ON H.R. 1521

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on H.R. 1521, a bill to provide for additional lands to be in-

cluded within the boundary of the Johnstown Flood National Memorial in the State of Pennsylvania.

The amended bill, as passed by the House, would add six parcels of land to the boundary of the park to provide permanent protection for resources that are integral to the historic events that the park was established to commemorate. Five of the parcels, totaling 2.33 acres, are approximately three miles from the park in the village of Saint Michael where the former South Fork Fishing and Hunting Club was located. The sixth parcel, comprising approximately 12 acres, is adjacent to the current boundary. Land acquisition costs for these six parcels are approximately \$805,000. All parcels are for sale by willing sellers.

The Department supports the President's Initiative to address the deferred maintenance backlog and taking care of our current responsibilities. In this instance, we are faced with a unique situation concerning this boundary adjustment. The historic structures central to this acquisition have always been considered key components of the park, but were to be protected, maintained, and interpreted through a public-private partnership. However, the partner can no longer perform this function, based on financial problems. For this reason, the Department believes it is appropriate to move forward with this bill at this time.

Johnstown Flood National Memorial comprises nearly 165 acres in western Pennsylvania. The park's mission is to tell the stories of the events leading up to the Johnstown flood, of the flood itself, and of its effects on Johnstown and the nation. The addition of the South Fork Fishing and Hunting Club properties would significantly increase the park's capability to interpret the important events surrounding the Johnstown flood and the individuals associated with it.

On May 31, 1889, a poorly maintained earthen dam breached, sending 20 million tons of water down the Little Conemaugh Valley into Johnstown and other surrounding communities. A 36-foot wall of water rolled over the town at 40 miles per hour, flattening houses, trees, locomotives, and everything else in its path. By the disaster's end, 2,209 people had perished in the flood, another 40 died in the weeks after from typhoid, and property damage was estimated at \$17 million. It was the worst inland flood in the nation's history and the first test of the newly formed American Red Cross, headed up by Clara Barton.

A pivotal part of the story revolves around the South Fork Fishing and Hunting Club, located in Saint Michael, which in 1879 had purchased an abandoned reservoir, repaired the old dam, and created a private lake and recreational area for its members. Because the dam was not properly constructed or maintained, it gave way after heavy rains pounded the area, overtaxing the Lake Conemaugh dam spillway and eventually causing the dam to fail.

In 1986, the South Fork Fishing and Hunting Club Historic District was listed on the National Register of Historic Places at the state level of significance.

In 1989, the Park Service and residents of Saint Michael undertook a joint planning effort, which produced the Preservation and Interpretation Plan for the South Fork Fishing and Hunting Club Historic District. This plan outlined concepts and guidance for basic visitor services, interpretation, cultural resource preservation and maintenance. As a result of the plan, there developed a structured partnership between the village of Saint Michael and the Park Service, designed to protect, maintain and manage the South Fork Fishing and Hunting Club clubhouse and other significant cottages in the historic district. The 1889 South Fork Fishing and Hunting Club Historical Preservation Society was formed to be the principal community body working with the Park Service in the implementation of the plan. Since the original planning efforts, the Society has obtained ownership of the Clubhouse, the Annex, the Moorehead Cottage, and the Brown Cottage. These properties were not originally included within the boundary of the park because it was understood that a local entity could adequately provide for their protection and interpretation.

Unfortunately, the Society lacks the resources to continue to maintain the properties they own, let alone preserve and develop them according to approved plans. The Society is struggling to make mortgage payments, and while they are desperately seeking a solution, the properties are deteriorating and losing historic integrity. In 2000, the Society worked with a private, non-profit historic property development company to try and obtain private sector interest in purchasing the properties, but was not successful. There is an imminent threat to the protection of these resources. The private owner has already listed these historic structures and properties for sale on the open market.

In 2001, the National Park Service completed a special resource study and environmental assessment to evaluate options for protection and interpretation of the additional parcels of land. Based upon the report, the Park Service proposed to add these parcels of land to the boundary of the park and to acquire the parcels in fee simple. Within the village of Saint Michael, four historically significant properties

would be acquired. These structures include the former clubhouse of the South Fork Fishing and Hunting Club, the Clubhouse Annex, and two cottages built by club members. One undeveloped parcel, the Clubhouse Side-yard that sits between the Clubhouse and the Clubhouse Annex, would also be added. The final parcel would protect the historic viewshed of the park, preserving the rural character of the Unger House property (Elias Unger was president of the South Fork Fishing and Hunting Club), owned by the National Park Service.

If the Park Service acquired the historic buildings, we would explore the option of a public-private partnership to lease the buildings to the private sector for commercial and residential use. Through our historic leasing program, the private sector could sign a long-term lease with the Park Service that would cover a portion of the operations and maintenance costs of the properties, which ranges from \$75,000 to \$310,000. In addition, the private sector could rehabilitate the buildings, estimated to cost upwards of \$2.9 million, using private funds in return for federal historic preservation tax credits. This would decrease the financial burden placed on the Park Service by the addition of these properties to the park. There has already been interest expressed by local businesses in this proposal.

The proposal to add these properties to the boundary of the park has widespread support among the property owners, state and local governments, and the public who attended a public meeting in July 2001 in Saint Michael. Public comments received were unanimous in support of the proposal.

We look forward to working with the local communities in Saint Michael and Johnstown to acquire these historically significant properties that will help tell the entire story of the events of the 1889 Johnstown Flood, from the actions leading up to the flood through its devastating aftermath.

Thank you for the opportunity to comment. This concludes my prepared remarks. I would be glad to answer any questions that you or the members of the committee may have.

ON S. 1430

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on S. 1430, a bill to authorize the Secretary of the Interior to conduct a special resource study of the Baranov Museum. The Department supports H.R. 1430 with the minor modifications explained in this testimony. We believe that this study would provide an opportunity to explore partnerships with a wide range of state, local, private, and other federal entities for the purpose of protecting and interpreting important national and international cultural resources in the area the study would encompass. Therefore, we recommend including language in the bill that makes it clear that the study is meant to evaluate a range of alternatives (for the building and its collections), in addition to potential inclusion in the National Park System.

It is our understanding that the City of Kodiak and not the National Park Service will conduct and fund this study from statutory aid already received for preservation of the building. The National Park Service will provide technical assistance to apply the criteria for suitability and feasibility to designate the museum as a unit of the National Park System.

The Baranov Museum on Kodiak Island is the only surviving Russian building known to have been associated with both the Russian America Company and the Alaska Commercial Company. These companies were the pillars of the Russian and early American administration of Alaska, and shaped the face of northwestern America through commerce, administration, law enforcement and exploration. Preserved in tradition, the history of Russian America is nationally and internationally monumental to the legacy of Alaska. A hundred years before the purchase of Alaska and the investment of William Seward's folly in 1867, the northern reaches of this country were managed by the Russian American Company, a corporation set up by the Russian government to regulate the fur trade and other commercial enterprises. It operated as a colonial charter company similar to the English and Dutch East Indies Companies, which founded the colonies on our country's eastern seaboard.

Around 1808, Alexander Baranov, manager of the Russian America Company, built the large two-story log warehouse overlooking the harbor. A shrewd manager, Baranov moved the corporation towards greater international collaboration, while at the same time integrating Alaska Natives into positions of power and equality. One hundred years later, leading merchant W.J. Erskine made the building his home. In addition, the building is one of only three remaining Russian period buildings extant in the Western Hemisphere. The Baranov Museum was designated a National Historic Landmark on June 2, 1962. The City of Kodiak owns the Baranov Museum,

with management services provided by the Kodiak Historical Society. The Society saved the building from the threat of demolition after the 1964 earthquake and tsunami. Through their efforts it was leased in 1967 for use as a museum.

In 1963, the National Park Service first conducted a suitability and feasibility study of the house and grounds as a new area and prepared a master plan for "Proposed Old Kodiak National Historic Memorial." The proposal was not passed because of concern that the preservation of the building would conflict with industrial development and fuel storage near the dock on its boundaries. During the past 40 years, the National Park Service has consistently provided technical assistance in the fields of historic preservation, maintenance, and interpretation to both the city and historical society through the National Historic Landmark program.

The National Park Service supports the opportunity to work with the City of Kodiak on this special resource study to ensure that all possibilities and alternatives for the future preservation of this National Historic Landmark are developed in full collaboration, consultation, and partnership with the community and its entities. This special resource study will consider the criteria for suitability and feasibility as a new unit as one of several planning alternatives and desired futures for this building and its resources.

This concludes my prepared remarks. I would be happy to answer any questions the committee may have.

Proposed Amendment to S. 1430: On page 2, at the end of line 2, delete the period and add: "as well as a range of other viable preservation and management alternatives."

ON S. 1687

Mr. Chairman, thank you for the opportunity to present the Department's views on S. 1687, to direct the Secretary of the Interior to conduct a study on the preservation and interpretation of the historic sites of the Manhattan Project for potential inclusion in the National Park System.

The Department does not oppose S. 1687, if amended as described in this testimony. This study would provide an opportunity to determine appropriate ways to preserve and interpret resources associated with the Manhattan Project, through which the United States developed the atomic bomb during World War II. While we agree that it is wholly appropriate to study ways to preserve the sites where the nuclear age began, we are concerned about the feasibility for management of these sites by the National Park Service (NPS), as the sites involve extremely large facilities with tremendous potential costs of maintenance and possible issues about safety in some of the buildings. In light of the President's commitment to devote more resources to addressing the backlog of deferred maintenance in existing units of the National Park System, we have made an effort to curtail taking on new responsibilities. For this reason, we believe that the study should focus on evaluating alternatives for preservation and interpretation including what, if any, role might best be played by the NPS or other partners. We would suggest that S. 1687 be amended to specify that the study concentrate on those options, and we would be happy to work with the committee to develop an amendment for that purpose.

The NPS is in various stages of progress on 34 studies previously authorized by Congress, 23 of which are being funded through the special resource study budget. We completed five studies in FY 2003, and we expect to complete about nine in FY 2004. Our highest priority is to complete these pending studies, though we expect to start newly authorized studies as soon as funds are made available. Given the type of facilities involved, the study authorized by S. 1687 is anticipated to cost more than most studies, which average around \$250,000. We estimate that this study would cost between \$500,000 and \$750,000 assuming that we could rely on available data, including environmental evaluations, to make initial determinations about the structural condition of the facilities and the status of potential hazardous materials.

S. 1687 directs the Secretary of the Interior to conduct a special resource study on the Manhattan Project sites in accordance with the law governing these studies, section 8(c) of Public Law 91-383, except for the provision that calls for the study to be completed in three years after funding is made available. Section 4(b) of S. 1687 requires the study to be completed in one year. We would recommend that this section be amended to provide the usual three years for completing the study.

The study area designated by S. 1687 includes: (1) Los Alamos National Laboratory and the town of Los Alamos in New Mexico; (2) the Trinity Site on the White Sands Missile Range, also in New Mexico; (3) the Hanford Site in Washington; (4) Oak Ridge Laboratory in Tennessee; and (5) other significant sites relating to the

Manhattan Project determined by the Secretary. The four sites named in the bill are generally viewed as the most important sites related to the Manhattan Project and are the areas in which the National Park Service would focus the study, but we think it is appropriate to include the flexibility to study other areas as well.

Operating from December, 1942 until September, 1945, the Manhattan Project was a \$2.2 billion effort that employed 130,000 workers at its peak, but was kept largely out of public view. Like so many of the national mobilization efforts of American industry and agriculture that led to the Allied victory in World War II, the Manhattan Project illustrates how the federal government worked with the private sector to carry out basic and applied scientific research at a scale unheard of before the war. This nationwide project had significant results shortening the war and averting an invasion of Japanese home islands. The introduction of nuclear weaponry to our nation's arsenal changed forever world history and has been recognized as one of the most important events of the twentieth century.

If directed by Congress and if funds are made available, a NPS special resource study would build upon the efforts of the Department of Energy (DOE) and its preservation partners, including the Atomic Heritage Foundation and the President's Advisory Council on Historic Preservation, which have already identified the most significant sites associated with the Manhattan Project.

In 1999, recognizing the significance of the Manhattan Project sites, DOE prepared a study that identified eight "Signature Facilities" as being the most important places for understanding the development of nuclear weapons at the end of World War II. Seven of the eight facilities are within the four study areas specifically named in S. 1687. The eight facilities are:

- Metallurgical Laboratory, University of Chicago (Chemistry Building and CP-1 site). In August 1942, "Met Lab" isolated the first weighable amount of plutonium. The Chemistry Building is now a National Historic Landmark. On December 2, 1942, CP-1 (Fermi's "pile" at Stagg Field) produced the first self-sustaining nuclear reaction.
- X-10 Graphite Reactor, Oak Ridge. Built in 1943, this facility was designed as the pilot for the Hanford production reactors. It produced the first significant amounts of plutonium. It is a National Historic Landmark.
- K-25 Gaseous Diffusion Process Building, Oak Ridge. Completed in 1945, this U-shaped building measures half a mile by 1,000 feet. Gaseous diffusion was one of three isotope separations processes that provided uranium-235 for the Hiroshima weapon ("Little Boy"). Gaseous diffusion was the only uranium enrichment process used during the Cold War.
- Y-12 Beta-3 Racetracks, Oak Ridge. This facility produced uranium-235 for the Hiroshima weapon. It is the only surviving production-level electromagnetic isotope separations facility in United States.
- B Reactor, Hanford. Completed in 1944, this was the world's first large-scale plutonium production reactor. It produced plutonium for the Trinity device, the Nagasaki weapon ("Fat Man"), and Cold War weapons. It is a National Historic Mechanical Engineering Landmark.
- Chemical Separations Building (T Plant), Hanford. Completed in 1944-45, this plant separated plutonium out of production reactor fuel rods. It is a massive canyon-like structure that stands 800 feet long, 65 feet wide, and 80 feet high.
- V-Site Assembly Building, Los Alamos. This building is among the last remaining Manhattan Project buildings at Los Alamos. The trinity device and later weapons were assembled here. Other buildings at this site were destroyed by the Cerro Grande fire in 2000.
- Trinity Site, Alamogordo. The July 16, 1945 test at this site began the atomic age. The site is now part of White Sands Missile Range, owned by the Department of Defense. It is a National Historic Landmark.

In 2001, DOE partnered with the President's Advisory Council on Historic Preservation to conduct a survey of these eight facilities (all but two are under DOE ownership) and to make recommendations regarding their preservation. The panel of experts who participated in the study determined that each of the sites qualify not only for National Historic Landmark status, but also as World Heritage sites. In 2001, through Public Law 107-66, Congress directed DOE to prepare a preservation plan for the Manhattan Project. The FY 2004 Energy and Water Appropriations Act provided \$1 million to DOE to support preservation of the Manhattan Project sites. Last fall, DOE awarded the Atomic Heritage Foundation a grant to produce a report on how to best preserve the history of the Manhattan Project so that the public and future generations can better understand what the Manhattan Project was, its legacy, and lessons for today. The report will address: 1) the Manhattan Project buildings, artifacts, and other aspects of the history that should be preserved; 2) the esti-

mated costs of restoration, preservation and long-term stewardship of these properties, and 3) what roles federal, state, and local government agencies, nonprofits, the private sector and others might play in preservation and stewardship. An interim report was presented to Congress in September 2003.

Mr. Chairman, this concludes my testimony. I would be happy to answer any questions you or other members of the subcommittee may have.

Senator THOMAS. Thank you.

Who manages the Save America's Treasures fund?

Mr. SMITH. The National Park Service. Our cultural resources portion of the Park Service manages that, and it is a fund that provides money to the States on an apportioned basis, to Indian tribes, to historically black colleges, and I believe there is one other small component of it, but right now escapes me. But that fund is coordinated by the National Park Service.

The Save America's Treasures is part of that, Senator, and that has other agencies of Government that make determinations of how those grants will be done. Because it involves libraries and museums, we defer to other Federal panels to make those decisions and then we act on their recommendations.

NOTE: The Department of the Interior would like to revise its answer to the following question:

Question. Who Manages the Save America's Treasures Fund?

Answer. To clarify, the National Park Service manages it on behalf of the Secretary of the Interior. Save America's Treasures grants are one part of the larger annual appropriations to the Historic Preservation Fund—derived from Outer Continental Shelf receipts and authorized by the National Historic Preservation Act (16 U.S.C. 470). The Fund provides assistance to States, tribal and local governments, colleges and universities, not-for profit organizations, and individual property owners to preserve this nation's significant historic places. While the Save America's Treasures appropriations law requires the National Park Service to consult in grant selection and administration with a wide variety of organizations such as the National Endowment for the Arts and the President's Committee on the Arts and Humanities, overall administration, management, and accountability for the program rests with the National Park Service.

Senator THOMAS. I presume there are missions in other States in addition to California. What is the role of the Park Service in the management and the operation of historic missions?

Mr. SMITH. Mr. Chairman, there are missions in other States, Texas, Arizona, New Mexico, and California. Twenty-six missions or mission related structures or ruins are in the National Park System. Congressman Farr alluded to the San Antonio missions in Texas which came into the system through act of Congress in 1978. The other is in New Mexico, a site—I am blanking on the name right now, but it is a site that has three missions and three Indian pueblos. That came into the system in 1909 from having been a National Monument designated.

Other than that, we provide technical assistance on these issues. We have a historic trail that certainly involves interpreting these, but we do not have any other sites within the National Park System.

NOTE: The Department of the Interior would like to revise its answer to the following question:

Question. I presume there are missions in other States in addition to California. What is the Role of the National Park Service in the Management and the operation of Historic Missions?

Answer. I would like to clarify my remarks during the hearing. The National Park Service manages a total of 26 historic, Spanish Colonial-era missions or mission-re-

lated structures or ruins within 4 National Park units in 3 States (4 missions, buildings, or ruins in Arizona, 12 in New Mexico, and 10 in Texas):

TUMACACORI NATIONAL HISTORIC PARK, ARIZONA

1 standing, restored mission church—not in use—San Jose' de Tumacacori

2 mission church ruins—Los Santos Angeles de Guevavi and San Cayetano de Calabasas

1 mission church—archeological remains only—San Jose' de Tumacacori (earlier mission church)

PECOS NATIONAL HISTORICAL PARK, NEW MEXICO

4 mission churches—ruins and archaeological remains—all called Nuestra Señora de los Angeles de Porciuncula de Pecos

SALINAS PUEBLO MISSIONS NATIONAL MONUMENT, NEW MEXICO

5 mission churches in ruins located at 3 pueblos (Abo', Quarai, and Las Humanas (Gran Quivira))—the mission churches are: San Gregorio de Abo (2 mission churches), Purisima Concepcion de Quarai, and San Buenaventura de las Humanas (2 mission churches). In addition, 3 other ruined structures that were historically used as interim mission churches (Abo', Quarai, and Las Humanan (Gran Quivira))

SAN ANTONIO MISSIONS NATIONAL HISTORICAL PARK, TEXAS

4 standing mission churches still in use by the Catholic archdiocese (Purisima Concepcion de Acuna, San Jose y San Miguel de Aguayo, San Francisco de las Espada, and San Juan Capistrano. In addition there are 6 mission church ruins used as earlier versions of the extant mission churches—1 at Concepcion, 1 at San Jose, 1 at Espada, and 2 at San Juan.

And while the National Park Service often provides technical assistance and advice to owners of properties listed on the National Register of Historic Places or designated as National Historic Landmarks, we have no other management or operational responsibilities for any other Spanish Colonial era missions.

Senator THOMAS. This Johnstown Flood Memorial. If you manage those properties through a historic leasing program, does that ensure the public has access to them?

Mr. SMITH. Senator, it does. We are having a lot of success with this historic leasing program. The committee may have heard testimony in the past years on the Hot Springs site in Arkansas where we out-lease their facilities. We are looking at this leasing authority in Cape Cod, Massachusetts, for some rather unique structures that are in that unit of the system.

Yes, it provides for public access, but it allows a wide range of uses. It could be a bed and breakfast. It could be a restaurant, but the Park Service would interpret the building. The facades would all be preserved and you would be able to interpret the structures from outside.

In Johnstown, there is one of these buildings that currently has apartments in it. So the upstairs would probably be for residents, but the downstairs and the exterior would still be interpreted.

Senator THOMAS. What would this be part of then? What is the Johnstown Flood? It is a memorial?

Mr. SMITH. It is a National Historic Site. I'm sorry. National Memorial.

Senator THOMAS. I looked at a map of it. It was kind of unclear to me. Is this in the same area, I mean, the same land as the other?

Mr. SMITH. I actually have a map that we can provide to the committee, if we have not already. It actually is where the dam was for this private clubhouse and lodge. It was a fishing lake, and when that dam gave way, then of course, the flood happened many

miles downstream in Johnstown. One parcel is immediately adjacent to the current boundary that we have for the memorial, the other five parcels are nearby.

NOTE: The Department of the Interior would like to revise its answer to the following question:

Question. I looked at a map of it. It was kind of unclear to me. Is this in the same area, I mean, the same land as the other?

Answer. To clarify, there are six parcels that the bill proposes to add to the boundary of the park. Five of the parcels, totaling 2.33 acres, are approximately three miles from the park in the village of Saint Michael where the former South Fork Fishing and Hunting Club was located. The sixth parcel, comprising approximately 12 acres, is adjacent to the current boundary.

Senator THOMAS. I see, OK.

And then these others, the Kodiak one and the Manhattan, are both studies.

Mr. SMITH. Yes. The Alaska study is rather straightforward. The building is significant. It is already a National Historic Landmark. And the study already has funds appropriated. Funds were appropriated for it in fiscal year 2002. So it is a matter of moving forward to coordinate with the city and other interested parties and conduct the study to see what is most feasible for that location.

Senator THOMAS. Do you have any idea how many sites could potentially be associated with this Manhattan Project?

Mr. SMITH. As the testimony said, Senator, we would probably follow the very excellent work that DOE has coordinated both as a Department and with the Advisory Council on Historic Preservation. The bill lends itself toward these eight, of which four are already National Historic Landmark properties.

I am not here today at all to say that these are not historically significant, just as the missions in California are very historically significant. A study would not be really trying to figure out their suitability. It would really lean toward the feasibility of how we would open and interpret and maintain these sites in future years if they moved from out of the DOE type of needs for those areas and moved into the National Park System.

NOTE: The Department of the interior would like to revise its answer to the following question:

Question. Do you have any idea how many sites could potentially be associated with this Manhattan Project?

Answer. I would also like to clarify my response to your question about how many sites could be potentially associated with the study of the Manhattan Project sites under S. 1687. The study would focus on the four areas specifically named in the bill: Los Alamos National Laboratory and the town of Los Alamos; the Trinity Site on the White Sands Missile Range; the Hartford Site; and the Oak Ridge Laboratory. Within those areas are seven of the eight "Signature Facilities" already identified by the Department of Energy as being the most significant to the development of nuclear weapons at the end of World War II. While S. 1687 would authorize the study to look at "other significant sites relating to the Manhattan Project determined by the Secretary," we know that, based on the work done the Department of Energy and the President's Advisory Council on Historic Preservation, that it is unlikely that the scope of the study would go beyond the areas listed in S. 1687.

The study would examine the national significance, suitability and feasibility for these bites to determine whether they merit inclusion in the National Park System. Even if they met the National Park Service's criteria in those three areas, the study would evaluate other options for management besides direct management by the National Park Service. Because of the size, complexity of these sites, and the potential costs of managing them, this study would likely focus on alternatives other than direct National Park Service management, but might include options where the National Park Service would have a role in assisting with interpretation.

Senator THOMAS. Well, as you know, some of us—and I am one who has been urging the Park Service to try and identify and describe a little more clearly what qualifies, what really should be set aside as a historic site. We are beginning to get more of them than we might be able to handle. Obviously, there are some that are very important, but we need to begin to identify what the criteria is for one, I believe.

Mr. SMITH. I am aware of those discussions you have had with our director, Senator.

Senator THOMAS. It may be a little out of line, but if you two have any questions, short questions. Please do not take too long, but if you have one, why——

Senator BOXER. Actually just a couple of comments. Sam will go first.

Mr. FARR. Mr. Chairman, I want to take issue because I think there was a misstatement of fact here to the committee. We worked hard in drafting this bill. As you see in the bill, on page 5, line 25, it says that the Secretary may make grants to the California Missions Foundation. It is permissive, not mandatory.

It also said that the Secretary shall ensure, as provided in section 101(e)(4), that it shall remain secular. There is no mention of the National Historic Preservation Act as the funding source. In fact, the bill goes on to say on page 7 that the money in this is in addition to any funds that are made available for preservation efforts to the State of California under the existing fund. So this is in addition to. It is no part of. It is a separate authorization to allow the Federal Government, when the grants have been requested, when the applications have been submitted by this non-profit entity in California, who have to outline exactly how the money is going to be spent through this professional review board. It does not require the Federal Government to own the asset or to have to manage it or worry about it forever. This is an ability to try to keep these precious monuments from falling down.

I might say that the Department submitted a letter to the House 3 days before we passed it on the floor. We did have a floor discussion on it, and the Department's letter was wrong because it said it has to make the money available through the Historic Preservation Act.

And it went on to say that the bill grants up to \$10 million over a 5-year period made through the authority of section 101 of the National Historic Preservation Act, and therefore the Department opposes this legislation. That is just an incorrect statement. It is not in the legislation, and I have asked the Department to show me where they found that, and they have not been able to find it because it is not there.

So for the record, I want to point out for sure that this is not competing with existing limited funds.

Senator BOXER. And I would just conclude in very quick order here. I am very concerned with this testimony because I know people make mistakes, but I tried to talk to my friend here about this. This is just plain wrong. It says, grants up to \$10 million would be made through the authority of section 101 of the National Historic Preservation Act. The fact is the only reference to that in the bill, as Sam said, is to make sure we avoid church-state issues.

This is an extra amount of money that is in fact just for these missions that are falling down at a very rapid rate, and we are losing our history of this country and of California. So it is wrong here. It was wrong.

The original letter that I am holding up here, that was doubly wrong. They had other things wrong. They said in this letter, the Secretary is authorized to make matching Historic Preservation grants to the California Missions Foundation to restore and repair historically significant missions. In addition, grants of up to \$10 million over a 5-year period. This is like you looked at different legislation.

Last, they say in the beginning, we cannot support this. It is taking money from other places. And then they say, oh, in the next page, go to Save America's Treasures. By the way, the average grant there is \$268,000. We do not want to take money away from these other things.

And then last, they talk about in the end if this does pass, you should not pass it the way it is. You should do a partnership with the Catholic church. As well they know, if we do that, this legislation will not pass because it will be so controversial.

Anyway, I hope you will be with us on this, Mr. Chairman. This has so much strong support and I am disappointed. I know that the administration loves the missions. They have told me we love your missions. That is good. But it does not help to have love and no support.

Senator THOMAS. Well, they are entitled to an opinion, of course.

Senator BOXER. Yes, right. They are.

Senator THOMAS. Thank you very much.

Did you want to say anything, Mr. SMITH?

Mr. SMITH. I would like to just rebut or at least discuss that. I would like to submit into the record the letter that went to Mr. Pombo on October 17th so that you will have that since it was referred to.

Senator THOMAS. Thank you.

[The letter to Mr. Pombo follows:]

U.S. DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, DC, October 17, 2003.

Hon. RICHARD W. POMBO,
Chairman, Committee on Resources, U.S. House of Representatives, Washington, DC.

Dear Mr. Chairman, I am writing to express the views of the Department of the Interior on H.R. 1446, a bill to support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions. I have been advised that the bill will be brought to the House floor without an opportunity for the Department to testify and present our position on this bill.

Under this bill, the Secretary of the Interior is authorized to make matching, historic preservation grants to the California Missions Foundation to restore and repair California's historically significant Spanish mission buildings and their associated historic artworks and artifacts. In addition, grants up to \$10 million over a 5-year period would be made through the authority of Section 101 of the National Historic Preservation Act. The Department opposes this legislation.

The Department is wholly supportive of any efforts to preserve for this and future generations the story of Father Junipero Serra and the founding of California's incomparable chain of colonial-era missions. However, because budgetary constraints so limit appropriations from the Historic Preservation Fund, we cannot support legislative earmarks that would effectively take needed historic preservation operations

funding away from state, tribal, and local governments and divert it to these specific (albeit laudable) purposes under the National Historic Preservation Act.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the presentation of this report for the consideration of the Congress.

Sincerely,

A. DURAND JONES
Deputy Director

U.S. DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, DC, October 17, 2003.

P. DANIEL SMITH,
National Park Service, Washington, DC.

Subject: Stuff for Hearing

Info Requested at our briefing today:

Save America's Treasures Grants to Churches (there are more than I thought):

Old North Church	Boston, MA	2003	317,000
Touro Synagogue	Newport, RI	2003	375,000
Mission Concepcion	San Antonio, TX	2003	215,000
Eldridge Street Synagogue	NYC	2003	300,000
Old Dutch Church	Kingston, NY	1999	98,768
San Juan Capistrano	SJC, CA	2000	320,000
San Jose de Tumacacori	Tumacacori, AZ	1999	85,500

The last 3 were earmarks

As you can see, we have three missions here as well, 1 in CA, 1 in AZ, and 1 in TX.

As far as Save America's Treasures grant levels:

Collections	min = 50,000	max = 1 million
Buildings	min = 250,000	max = 1 million

Did I remember everything? That it?

DE TEEL PATTERSON TILLER,
Deputy Associate Director, Cultural Resources.

Mr. SMITH. I will not speak for our legislative counsel who reviews these bills, but there is no specific site in the bill creating anything outside the National Historic Preservation Fund. And Senator, that is the only mechanism which the Park Service has in all of our programs to fund non-Federal properties through a grant program.

The reference made at the end of the bill goes back and refers to this fund, and what it says is that these additional funds, if they were appropriated, would not take away from what California receives under the apportionment it gets now. Out of the \$34 million that goes to the States, California gets just a little bit under \$1 million. So the interpretation there is that whatever amount they would get under this act that was earmarked, it would not then subtract from California getting its normal apportionment under the act.

The Senator and I were sort of having that discussion before the hearing, and I hope she did not take any of my remarks to be anything except a little bit feisty. I certainly did not mean to be rude to her at all.

Senator BOXER. No. I was feisty. You were very sweet.

[Laughter.]

Senator THOMAS. OK, thank you. We are going to call up the next panel now. Thank you very much.

Panel two then is Walter Costlow, founder and chairman of the South Fork Hunting and Fishing Club, Lakeland, Florida; Mr. Barry Lynn, the executive director of Americans United in Support of Separation of Church and State; Cynthia Kelly, president of the Atomic Heritage Foundation; Stephen Hearst, vice president and general manager, Sunical Realities, San Francisco, California. I guess that is it.

Thank you all for being here. We will put your complete statements in the record. So if you are inclined to summarize fairly briefly, why, we would all, I think, appreciate that.

Why do we not start with Mr. Costlow.

STATEMENT OF WALTER COSTLOW, FOUNDER AND CHAIRMAN, THE 1889 SOUTH FORK HUNTING AND FISHING CLUB PRESERVATION SOCIETY

Mr. COSTLOW. Mr. Chairman, I thank you for the opportunity to present the views of The 1889 South Fork Fishing and Hunting Club Historical Preservation Society on H.R. 1521, a bill to provide for additional lands to be included within the boundary of the Johnstown Flood National Memorial in the State of Pennsylvania.

The Johnstown Flood National Memorial comprises nearly 165 acres in western Pennsylvania. The park's mission is to tell the stories of events leading up to the great Johnstown Flood of May 31, 1889, and of the flood itself and the impact on Johnstown and the Nation. The addition of The 1889 South Fork Fishing and Hunting Club Historical Preservation Society properties would significantly increase the park's capability to interpret the important events surrounding the Johnstown Flood and the individuals associated with it.

In 1989 the National Park Service and the Historical Society undertook a joint planning effort that produced the preservation and interpretation plan for the South Fork Fishing and Hunting Club Historic District. As a result of this plan, there developed a structured partnership between the National Park Service and the Historical Society designed to protect and maintain the historic properties by entering into a cooperative agreement that is still in force. It is very, very important to understand that all the properties were privately owned at this time. Over the years, through the wonderful generosity of the Winston Corporation of Johnstown, we were able to acquire the four properties in question. The most important document of the support package is The 1889 South Fork Fishing and Hunting Club Historical Preservation Society's 2020 strategic plan. I developed it to enumerate the important accomplishments in order to create the foundation to inspire the society to face the future with confidence toward achieving greater success by year 2020.

The proposal to add these properties to the boundary of the park has widespread support among the owners, State and local governments, and the public who attended our last public meeting in July 2001. Public comments received in support were unanimous in support of the proposal. This is the second time that public approval was in support. In May 1989, I wrote the Historic District ordi-

nance and conducted a large public meeting to explain and answer questions. I then held a secret ballot vote and had only one vote against. That individual wanted the whole town included in the ordinance. The Historic District Ordinance Number 69 was approved by the Pennsylvania Historical and Museum Commission.

On November 9, 1995, I was asked by the Southwestern Pennsylvania Heritage Preservation Commission to provide my views on the ability to sustain heritage development in southwestern Pennsylvania for the long-term future, which is really what this hearing is all about. My comments then are valid today. It is no secret that the heritage preservation effort in southwestern Pennsylvania would not have been possible without the direct involvement of the U.S. Government and the power and resources it represents. I personally would not have undertaken the National Register Historic District Project in St. Michael without this support. I am positive that most, if not all, of the other site managers shared the same opinion. We were all able to identify with the support resources that would make our projects achievable with a reasonable chance of success.

In addition, we could focus on the Southwestern Pennsylvania Heritage Preservation Commission because the commission staff had absolute control of development resources, plain and simple. Not only was this fact known to those directly involved, but it also enabled the heritage project to be accepted and reasonably supported by the general public and local officials of the various communities.

Unfortunately, even with the knowledge of the U.S. Government's direct support, only a very small percentage of the total population was interested. I know our program in St. Michael was one of the best supported programs in the heritage project, if not the best. I was disappointed in the lack of interest of our citizens to the importance of the project to community pride and to the economic potential it represented.

Now that the congressional time limit for the South Fork Fishing and Hunting Club Historical Preservation Society is expiring, the future is uncertain. As we transition to a nonprofit corporation without direct Federal management, our biggest concern is the attitude and willingness of everyone to continue believing in the overall and individual projects as achievable. Whether we like it or not, the transition will create a dramatic change from one of assured resources and power to one completely dependent on volunteer cooperation and support.

The Historic District project in St. Michael would not have been possible without U.S. Representative John Murtha's support. I was one of the six individuals, including Congressman Murtha, who met in The 1889 Clubhouse in December 1986 to launch this project. When he asked me form the local historic society, I told him I would give him my total effort and support if he would do the same. I must take this occasion to say for the record that we both carried out that commitment.

Finally, The 1889 South Fork Fishing and Hunting Club Historical Preservation Society's dedicated volunteers and the National Park Service have done a tremendous job over the years in preserving this vital piece of our history.

The approval of H.R. 1521 is the only way—is the only way—that will ensure that these historic structures will survive for the enjoyment of future generations.

Failure to approve H.R. 1521 would be a devastating blow to the entire Johnstown area.

This completes my oral presentation. I welcome any questions the committee might have. Thank you, sir.

Senator THOMAS. Thank you.

I think, if I might, I am going to go to Ms. Kelly. Please.

**STATEMENT OF CYNTHIA C. KELLY, PRESIDENT, ATOMIC
HERITAGE FOUNDATION**

Ms. KELLY. Thank you very much. It is a pleasure to be before the committee. I am president and founder of the Atomic Heritage Foundation, which was mentioned earlier. We have been very involved in studying the Manhattan Project, the properties that remain and strategies for trying to preserve them for the future.

This legislation by the committee is very timely. We are very appreciative of the support that we have had from Senators Bingaman and Cantwell of the committee, as well Senators Murray, Domenici, and in the House, Doc Hastings who are all sponsors of this legislation.

I want to talk about the importance of the study briefly, its urgency, in light of the Department of Energy's cleanup program, local and national support, and some practical considerations.

Action is urgently needed to ensure that some of these original properties are preserved. As you know, the Manhattan Project was the effort to produce the world's first atomic bombs in World War II that brought an end to that war and, some would say, to all successive wars of that scale. From first of a kind industrial facilities to the alphabet houses built for families in the secret cities of the Manhattan Project, the study bill provides an opportunity to explore alternative strategies to ensure that the American people and future generations have some tangible evidence of this monumental undertaking that changed the course of world history. There is no question of the national and international significance of this and the facilities.

But why is it so urgent? The Department of Energy has a very ambitious, accelerated cleanup program for the nuclear weapons complex sites. It is funded on the order of \$6 billion to \$8 billion a year. As a result, there is tremendous pressure on the Department's managers to decommission and demolish properties that are not essential to the current mission. Most of the Manhattan Project properties fall in this category. Many officials at the Department of Energy responsible for environmental management explain they are not in the museum business. In their view other entities must take responsibility for the long-term stewardship of these properties if they are to survive.

For example, the manager of the Richland office has challenged the community to find an alternative to managing the B reactor that Senator Cantwell just mentioned, the first plutonium production reactor built by DuPont in September 1944. If not, the Department plans to cocoon it or strip it down to the reactor core and clad it in aluminum sheeting while it awaits disposition. The cost of just

the first step, the cladding, is a \$15 million project and tens of millions more.

Meanwhile, over the last couple of years, the Department has put a lot of money to make this B reactor meet the code for the Environmental Protection Agency and OSHA for use as a museum and there is a memorandum of agreement that it can be used as a museum until the year 2012. It seems to me that we need to look now before, in the next couple of years, this valuable historic research is derailed into the wasteland of a scrap heap where, alternatively, for far less cost we can make sure that it is a museum for posterity.

The legislation has enthusiastic support from many quarters. Last spring the Atomic Heritage Foundation, in the process of putting this report together that has been mentioned several times, had meetings at Hanford, that is, in Richland, Washington, and at Oak Ridge with the public, with the Department of Energy, with National Park Service representatives to begin to explore these questions. What should we do about these properties? What alternatives are there?

The primary cost-cutting recommendation that emerged from this meeting was to seek legislation like S. 1687. The bill responds to a significant constituency for those who are proud of this past and also see opportunities for heritage tourism and economic development in their communities, their regions, and their States.

As the legislation recognizes, the Department of Energy will play an important role in the study by clarifying the integrity and the contributions of its Manhattan Project properties, as well as addressing environmental contamination, national security, and other issues.

Secretary Abraham recently charged his staff with coming up with a strategic plan for managing all of the Department's historic resources. This plan should complement and inform the study. The long-term strategy needs to be flexible and anticipate changing roles by the Department of Energy as it completes its cleanup and access to the sites may be opened up.

A 1-year deadline or a quick deadline for the study ensures that it reasonably meshes with the Department of Energy's decision-making schedule for its cleanup.

Senator THOMAS. Could you wind up please?

Ms. KELLY. I am sorry. Is that the end?

Senator THOMAS. Well, see if you can come to the end. That is what this little light means here.

Ms. KELLY. The bill calls for the role of the Department of Energy to be a significant one.

It seems to me in looking at how is this to be funded, that one thing the committee might consider is whether appropriations from the energy and water development bill might be an alternative to looking at resources within the National Park Service which have a long line of other studies waiting for them. And it is in the Department's interest to get this study funded and underway.

So that concludes my remarks. Thank you very much.

[The prepared statement of Ms. Kelly follows:]

PREPARED STATEMENT OF CYNTHIA C. KELLY, PRESIDENT,
ATOMIC HERITAGE FOUNDATION

It is a pleasure to appear before the Subcommittee on National Parks of the Committee on Energy and Natural Resources to testify in support of S. 1687, "The Manhattan Project National Historical Park Study Act of 2003." My name is Cynthia C. Kelly and I am the President and founder of the Atomic Heritage Foundation, a nonprofit organization in Washington, DC dedicated to the preservation of the history of the Manhattan Project and the Atomic Age.

Let me begin by commending the Committee for its timely consideration of this bill. "The Manhattan Project National Historic Park Study Act of 2003" is urgently needed to ensure that some of the original Manhattan Project properties built to produce the world's first atomic bombs in World War II are considered for possible preservation as part of the National Park System. From laboratories and first-of-a-kind industrial facilities to "Alphabet" houses and other community properties, we have an opportunity to ensure that the American people and future generations have some tangible evidence of this monumental undertaking that changed the course of world history.

One criterion for inclusion in the National Park System is that the resources must be "nationally significant." There is no question of the significance of the Manhattan Project, the top-secret effort to make an atomic bomb in World War II. The Manhattan Project profoundly influenced American and world history and left an indelible legacy for the 21st century. With an unprecedented alliance of industry, academia and government, the Manhattan Project brought an end to World War II, established America as a global super power, and laid the foundation for twenty-first century science and technology.

In a February 2001 report, the Advisory Council on Historic Preservation stated, "It is imperative that our memory and recognition of the Manhattan Project as a watershed in the history of the nation and the world be preserved for future generations."¹ Specifically, the Council recommended that the sites be considered "as a collective unit administered for preservation, commemoration, and public interpretation in cooperation with the National Park Service."² This bill gives the Secretary of Interior the opportunity, in consultation with the Secretary of Energy, to pursue this potential and examine whether and how to preserve this extraordinarily important chapter in American history as part of the National Park System.

In August 2002, the Department of Energy awarded the Atomic Heritage Foundation a grant to develop a report to Congress analyzing how best to preserve the historic properties of the Manhattan Project. Last spring, the Foundation held public meetings at Oak Ridge, TN and Richland, WA with representatives of the Department of Energy, the National Park Service, other Federal agencies, State, tribal and local governments, historic preservation groups and other interested parties. From these discussions and similar ones in New Mexico, the primary cross-cutting recommendation that emerged was to seek a Special Resource Study to determine the potential inclusion of these Manhattan Project sites in the National Park System.³ Needless to say, this bill fulfills that recommendation and responds to a significant constituency of Manhattan Project communities, historians, educators, museum directors, and others across the country who are concerned to preserve significant properties from the Manhattan Project.

Why is it urgent to authorize the Manhattan Project National Historical Park Study Act? The remaining Manhattan Project properties owned by the Department of Energy are threatened by the pace of a very ambitious multibillion dollar "accelerated clean-up program" for the nuclear weapons complex sites. In fact, the Department's clean-up schedule slates the vast majority of the remaining Manhattan Project properties for decommissioning and demolition over the next five years or so. Even the properties on the Department's short list of eight "Signature Facilities of the Manhattan Project"⁴ are not exempt.

¹ Advisory Council on Historic Preservation, *Recommendations and Preservation Options for Manhattan Project Signature Facilities at Oak Ridge and Hanford Reservations*, Washington, DC, February 2001.

² *Ibid.*

³ Atomic Heritage Foundation, "Preserving America: A Strategy for the Manhattan Project," September 4, 2003, at www.atomicheritage.org, page 8.

⁴ U.S. Department of Energy, *The Signature Facilities of the Manhattan Project*, 2001. These properties include the Metallurgical Laboratory, University of Chicago, IL; X-10 Graphite Reactor, K-25 Gaseous Diffusion Process Building, and Y-12 Beta-3 Racetracks at Oak Ridge, TN; B Reactor and T Plant at Hanford; V-Site Assembly Building and Gun Site, Los Alamos, NM; and Trinity Site, Alamogordo, NM.

Because most of the Manhattan Project properties are “behind the fence” where the public has little access, few are aware of the potential loss of these properties. In fact, the most recent Chairman of the Los Alamos County Council, whose father was the chef at the popular “S Site” cafeteria during the Manhattan Project, said that she had never seen the properties “behind the fence.” Located on remote mesas, dozens of Manhattan Project properties were abandoned in place in the 1950s. The Los Alamos National Laboratory is now considering preserving not only the two signature properties, but also about a dozen other buildings that eventually could be part of a National Park System.

However, senior managers have made it clear that the Department of Energy is “not in the museum business” and some other agency must serve as the long-term steward for its Manhattan Project resources. For example, the Manager for the Hanford Site has challenged the community to find an alternative organization to manage the “B Reactor,” the first plutonium production reactor at Hanford, by September 2005. If not, the Department intends to “cocoon” it or strip the reactor down to its shielding wall and wrap it in cladding, at a cost of \$15 million or more. This study will provide an opportunity to meet the Department’s demands to explore alternative management solutions for the B Reactor, one of its designated “Signature Facilities,” and other important Manhattan Project resources.

As the legislation recognizes, the Department of Energy will play an important role in the study by clarifying the integrity of its Manhattan Project properties as well as environmental contamination, national security and other issues. The Secretary of Interior will consult with the Secretary of Energy as the study weighs alternative management, ownership, liability, public access and other provisions. Such provisions will need to be revisited periodically as clean-up progresses, security perimeters are redrawn to allow greater public access, and other developments. As the Advisory Council on Historic Preservation has counseled, it is important to take a long-term approach to the preservation of historic resources. Any examination of potential Manhattan Project sites will have to look at a variety of management options including changing roles by the Department of Energy and other organizations over time.

The Department of Energy has an important mission to clean-up the former nuclear weapons complex. To accommodate the clean-up schedules as much as possible, we agree that the study should be done as expeditiously as possible. The bill provides a deadline of one year from the time that funds are made available. Given the number of other studies competing for the National Park Services resources, we recommend that \$850,000 be included as part of the Energy and Water Development Appropriations bill for FY 2006. This would help ensure that the study can be conducted on a schedule that reasonably meshes with the Department of Energy’s clean-up schedule.

The legislation authorizing a Special Resource Study for the Manhattan Project sites will ensure that some of the most significant properties of America’s heritage are evaluated for possible inclusion in the National Park System. Seeing first-hand the humble asbestos-shingled building at Los Alamos where the “Trinity device” was assembled or the monumental chemical separation plants nicknamed “Queen Marys” at Hanford are unforgettable experiences. The legislation is an important step towards preserving these and other tangible remains of an effort that continues to shape the course of history.

Senator THOMAS. Thank you very much.
Reverend Lynn.

**STATEMENT OF REV. BARRY W. LYNN, EXECUTIVE DIRECTOR,
AMERICANS UNITED FOR SEPARATION OF CHURCH AND
STATE**

Rev. LYNN. Thank you, Mr. Chairman. I am the executive director of Americans United for Separation of Church and State.

The history of religion in America is a story of voluntary giving. It is not a chronicle of government subsidy. In no small measure, the vitality and diversity of religious discourse in this country should be credited to the rigorously hands-off approach government has historically taken toward religion. Governments do not choose favorite faiths for assistance. They do not bail our religious groups

like some ailing corporation. In America, religions literally make it or break it by themselves.

This session Congress is being asked to make a change in course, to spend \$10 million to maintain, repair, and preserve the structure and contents of 21 missions in California. Although there is no doubt that these buildings and artifacts have a rich historical significance, which we have heard a great deal about today already, but 19 of the missions are owned by the Catholic Church and operate as active parishes with regularly scheduled religious services. These buildings are the principal places of worship for thousands of churchgoers. Indeed, the mission, Basilica San Diego, is California's oldest Roman Catholic Church and currently has 2,500 members in its parish.

Now, admittedly this bill, S. 1306, contains language that the Secretary of the Interior is to "ensure that the purpose of a grant is secular, does not promote religion, and seeks to protect those qualities that are historically significant." Frankly, though, it is impossible to segregate the historical from the spiritual and expect that government funds will only go to the former. Can a person in a pew observing a government-funded restored painting of the Virgin Mary be expected to ignore the religious impulse it was meant to convey and just think of it as some historically significant cultural manifestation? I do not think so.

Any funds that end up maintaining or restoring religious icons associated with devotion and worship will be viewed as an endorsement of religion at taxpayer expense. Any funds that restore a site of central religious observance will be similarly seen as the promotion of religion at a cost to the taxpayers. And all of this is true even if the earmarked funds are passed through a California foundation.

Early American history is replete with examples of how clear the Framers of our Constitution were about the immorality of compelling citizens to pay taxes for the advancement of religion. James Madison argued that if a person could be compelled to contribute even 3 pence to support a religion, government could enforce him to conform to any other establishment of faith. And the President put that principle into practice by vetoing a bill to give a Baptist church in Mississippi even a small parcel of government land. Madison was not hostile to religion, but he was faithful to his original understanding that religious groups had to rely on voluntary giving, not tax funding coerced by the State.

Indeed, this was the reasoning followed by the Supreme Court in a series of important cases. In 1971, the Court unanimously held that when construction grants went to religious institutions of higher learning, it was constitutionally required that those institutions could not use any funds for a building in which worship or other sectarian activities would ever occur.

Similarly the Court held in the context of private secondary schools, that if the State may not erect buildings in which religious activities are to take place, it may not maintain such buildings or renovate them when they fall into disrepair. That seminal line of cases is unaffected by any subsequent church-State decisions, which is why from 1981 to 2002 a consistent policy in both Republican and Democratic administrations forbade the use of Federal

funds to build, repair, or maintain facilities used for religious services.

Supporters of these mission grants would be skating on constitutional thin ice to believe that this longstanding principle has been altered, much less nullified. And indeed, notwithstanding one Department of Justice memo to the contrary, even this administration's own final regulations for the Department of Housing and Urban Development state unequivocally that Federal funds "may not be used for the acquisition, construction, or rehabilitation of sanctuaries, chapels, or any other rooms that a religious congregation uses as its principal place of worship." The California missions are quintessential examples of such structures with active worshipping congregations.

Preservation of historic buildings is important, but the preservation of the constitutional right to religious liberty is vital. These missions are houses of worship. They are not simply museums. Funds to fix the ceilings and the windows, to revitalize the religious icons on the walls must come from congregants or from the millions of yearly visitors and from America's charitable foundations. I believe that the people of California and tourists from around the United States can preserve these mission buildings without having to pass the collection plate to Uncle Sam at the same time.

Thank you.

[The prepared statement of Reverend Lynn follows:]

PREPARED STATEMENT OF REVEREND BARRY W. LYNN, EXECUTIVE DIRECTOR
AMERICANS UNITED FOR SEPARATION OF CHURCH AND STATE, ON S. 1306

Mr. Chairman, Ranking Member Akaka, and Members of the Subcommittee, thank you for this opportunity to present testimony on behalf of Americans United for Separation of Church and State on S. 1306, the "California Missions Preservation Act." Americans United is a religious liberty watchdog group based in Washington, D.C., with over 70,000 members. Founded in 1947, the organization educates Americans about the importance of church-state separation in safeguarding genuine religious freedom. I am both an ordained minister in the United Church of Christ and a member of the District of Columbia and U.S. Supreme Court bars.

I appreciate the opportunity to address you today on the serious constitutional ramifications of the California Missions Preservation Act, particularly because our organization is extremely active in California. Americans United has over 8,000 members in California, as well as five major local chapters in San Francisco, the Bay Area, Los Angeles, San Diego, and the San Fernando Valley. Frankly, though, all Americans who wish to advance religious liberty should be seriously concerned about the California Missions Preservation Act because it would have dramatic church-state implications.

There is no doubt that California's 21 missions, which run along a 600-mile stretch of highway from San Diego to Sonoma are historically significant and contribute greatly to the rich historical, cultural and architectural heritage of California and the American West. Although we recognize that preservation of these historic buildings is important, we strongly believe that the preservation of America's constitutional rights is vital. In short, the California Missions Preservation Act would violate the First Amendment by forcing taxpayers nationwide to pay for church repairs, even repairs and restoration of facilities with active congregations. I urge you today, for the sake of preserving religious liberty, to ensure that federal funds are not used to build or repair houses of worship. Instead, it is up to religious organizations and individuals to voluntarily support preservation of the California missions.

BACKGROUND

The 21 missions comprising California's historic mission trail were founded between 1769 and 1823. Largely reconstructed after the tests of time, weather, and

earthquakes, 19 of the 21 missions are owned by the Roman Catholic Church, operate as active parishes, and have regularly scheduled religious services.

Under S. 1306, federal funds would be provided to pay for “efforts to restore and repair the California missions, and to preserve associated artworks and artifacts.” The bill would authorize the Secretary of the Interior, under section 101(e)(4) of the National Historic Preservation Act, 16 U.S.C. § 470a(e)(4), to grant \$10,000,000 in federal funds over a five-year period to support the California Missions Foundation, a charitable corporation dedicated to funding the restoration and repair of the California missions and the preservation of the Spanish colonial and mission-era artworks and artifacts of the California missions. It also would require the California Missions Foundation to match federal grant funds and to provide annual reports to the Secretary regarding the preservation efforts taken with funds provided under the bill.

Americans United recognizes that the bill includes some language purportedly protective of religious liberty. Specifically, the bill states that the Secretary of the Interior “shall ensure that the purpose of a grant under this section is secular, does not promote religion, and seeks to protect those qualities that are historically significant.” Similarly, the National Historic Preservation Act, to which the bill refers, provides that “[g]rants may be made . . . for the preservation, stabilization, restoration or rehabilitation of religious properties . . . provided that the purpose of the grant is secular, does not promote religion, and seeks to protect those qualities that are historically significant.” 16 U.S.C. § 470a(e)(4).

These protections are steps in the right direction, but they are insufficient as a practical matter to meet the requirements of the Constitution. Time after time, the Supreme Court has required that no government funds be used to maintain, restore, or make capital improvements to physical structures that are used as houses of worship, even if religious services are infrequent. Because most, if not all, of the missions remain active houses of worship, in addition to serving as cultural and historic institutions, it is impossible for the government to fund the California missions without violating the Constitution.

The illegality of the proposal to fund the California missions is exacerbated when one considers the issue of government directly funding religious icons. Because one of the objectives of the California Missions Foundation is to preserve the “Spanish colonial and mission-era artworks and artifacts of the California missions,” and because the bill specifically authorizes federal funds to be used to “preserve the artworks and artifacts associated with the California missions,” the Secretary would be empowered to provide government money specifically to maintain or restore religious artifacts and icons associated with devotional and worship activities at the missions, a result that would be clearly unconstitutional.

PROVIDING FEDERAL FUNDS TO THE CALIFORNIA MISSIONS WOULD BE UNCONSTITUTIONAL

Three Supreme Court decisions make clear that it is unconstitutional to allow federal grants for the repair or preservation of structures devoted to worship or religious instruction, and all three of these decisions remain binding law on the federal government. In *Tilton v. Richardson*, 403 U.S. 672 (1971), the Court laid the framework for the current constitutional requirements regarding construction, upkeep, and maintenance of religious institutions’ physical facilities. *Tilton* involved a challenge to the constitutionality of a federal law under which federal funds were used by secular and religious institutions of higher education for the construction of libraries and other campus buildings. Although the law allowed money to go to religious institutions, it also contained a proviso that expressly forbade funds from being spent on buildings that would be used for worship or sectarian instruction. The Court upheld the program, but it *unanimously* held that the proviso was constitutionally necessary and *unanimously* invalidated part of the statute that would have allowed religious schools to convert the federally-funded facilities for worship or sectarian instruction after twenty years had passed. No building that was built with federal funds can *ever* be used for worship or sectarian instruction—that is *Tilton*’s clear holding. 403 U.S. at 692.

In two subsequent cases decided two years later, the Supreme Court clearly reaffirmed the principle that the First Amendment prohibits the government from subsidizing the construction or repair of buildings used as houses of worship. In *Hunt v. McNair*, 413 U.S. 734 (1973), the Supreme Court upheld the South Carolina Educational Facilities Authority Act, which established an “Educational Facilities Authority,” through which educational facilities could borrow money for use in their facilities at favorable interest rates. However, the Act required each lease agreement to contain a clause forbidding religious use in such facilities and allowing in-

spections to enforce that requirement. 413 U.S. at 744. The Court upheld the Act, including the condition that government-funded physical structures could never be used for religious worship or instruction.

Finally, in *Committee for Public Education v. Nyquist*, 413 U.S. 756 (1973), the Supreme Court struck down New York's program of providing grants to nonpublic schools for use of maintenance and repair of "school facilities and equipment to ensure health, welfare, and safety of enrolled students." 413 U.S. at 762. The Court summarized its previous holdings as "simply recogniz[ing] that sectarian schools perform secular, educational functions as well as religious functions, and that some forms of aid may be channeled to the secular without providing direct aid to the sectarian. But the channel is a narrow one." *Id.* at 775. The Court then held that "[i]f the State may not erect buildings in which religious activities are to take place, it may not maintain such buildings or renovate them when they fall into disrepair." *Id.* at 777. In other words, government funding for either the construction or maintenance and repair of physical structures is unconstitutional unless there is no possibility that the structures will be used for sectarian worship or instruction. Otherwise the government would be subsidizing religious activity.

All three of these cases firmly establish that it is constitutionally impermissible for the government to provide aid for the construction, repair, or maintenance of any buildings that are, or might be, used for religious purposes. The rule set down by the Supreme Court in these three cases—which requires that publicly financed buildings be used only for purely secular purposes—remains controlling law and has never been undermined or seriously questioned in any subsequent Supreme Court decision regarding direct governmental aid to religious institutions. Thus, under *Tilton*, *McNair*, and *Nyquist*, it would be unconstitutional for the federal government to provide funds to any of the California missions in which religious services take place. These decisions are in keeping with a lengthy and valuable tradition in America: the idea that maintenance of houses of worship belongs to congregants, not to taxpayers. The idea of compelled support for religion was repellent to our Founding Fathers. Time and again one sees in their writings and public pronouncements a concern that support for religion come through voluntary channels.

Founders like Thomas Jefferson and James Madison did not hold this view because they were hostile to religion. Rather, they believed that it was morally wrong to force anyone to support religious worship, religious education, or houses of worship against his or her will. As Madison observed in his famous "Memorial and Remonstrance Against Religious Assessments," "The same authority which can force a citizen to contribute three pence only of his property for the support of any one [religious] establishment may force him to conform to any other establishment in all cases whatsoever."

Madison, widely considered the Father of the Constitution, believed the federal government should stay out of the business of funding religion. As president, he vetoed a bill giving a Baptist church a small amount of federal land in Mississippi, asserting in his veto message to Congress that the measure "comprises a principle and precedent for the appropriation of funds of the United States for the use and support of religious societies, contrary to the article of the Constitution which declares that 'Congress shall make no law respecting a religious establishment.'"

Denying taxpayer aid for the rebuilding, refurbishing and maintenance of the California missions is neither a radical step nor is it an example of animus toward religion. Instead, it is wholly in line with our nation's past practices and our wise tradition of requiring religious groups to rely on voluntary support given by willing donors, not tax funds coerced by the state.

Indeed, from 1981 until 2002, through both Republican and Democratic administrations, it was the consistent policy of the federal government to forbid the use of federal grants for the construction, repair, or maintenance of any facility used for religious services. This policy was committed in writing in an October 31, 1995, legal memorandum issued by the U.S. Department of Justice's Office of Legal Counsel (OLC), in which that office concluded that a reviewing court, applying binding precedent, would "likely hold that making historic preservation grants to churches and other pervasively sectarian properties is inconsistent with the Establishment Clause."

However, on April 30, 2003, OLC issued an opinion reversing its 1995 memorandum. The new OLC opinion concluded that the "Establishment Clause does not bar the award of historic preservation grants to . . . active houses of worship that qualify for such assistance, and that the section of the National Historic Preservation Act that authorizes the provision of historic preservation assistance to religious properties is constitutional." As has been widely reported in the media, it is under this opinion that the Secretary of the Interior proceeded amidst considerable controversy to award historic preservation funds to the Old North Church in Boston

and the Touro Synagogue in Newport, Rhode Island—efforts strongly criticized as unconstitutional by Americans United and other organizations committed to safeguarding religious liberty.

The new OLC memorandum, issued with no deference to prior, longstanding federal policy, is highly controversial and reflects nothing more than a highly politicized judgment from the Department of Justice. It essentially reflects wishful thinking on the part of the Department of Justice that the Supreme Court will, sometime in the future, overturn the above-cited cases. As Professors Ira C. Lupu and Robert Tuttle of George Washington University Law School stated in a recent article analyzing the Administration's proposals on the faith-based initiative, "The Bush Administration's recent announcements . . . venture into constitutionally questionable territory." The 2003 OLC opinion directly conflicts with the holdings of *Tilton* and *Nyquist*. I urge the Subcommittee to review and apply these Supreme Court cases to the issue of supplying governmental aid to the 19 California missions in which religious services currently take place.

THE BILL AND THE NEW OLC MEMORANDUM ARE INCONSISTENT WITH THE ADMINISTRATION'S OWN RECENT POSITION ON FUNDING OF HOUSING PROGRAMS RUN BY RELIGIOUS GROUPS

In determining whether to provide federal funds to the California missions, the Subcommittee should follow the Administration's own position stated in recent regulations finalized by the Department of Housing and Urban Development (HUD), as part of the Bush Administration's faith-based initiative. The HUD regulations on religious organizations participating in federal housing programs provide, "HUD funds may *not* be used for acquisition, construction, or rehabilitation of sanctuaries, chapels, or any other rooms that a religious congregation that is a recipient or sub-recipient of HUD assistance uses as its *principal place of worship*." 68 Fed. Reg. 56397 (emphasis added).

As an example of the intended application of the final rule, HUD stated:

A one-room church applies for CDBG funds to make several necessary repairs. On Sunday morning, the church serves as a place for congregational worship. During weekdays, the church is used to operate a "soup kitchen" for homeless individuals. Accordingly, except for the few hours on Sunday morning when the church holds worship services, the one-room church is used for the purpose of providing meals to homeless individuals—a purpose that is eligible for HUD assistance. The one-room church is *ineligible* for CDBG-funded improvements because it is the congregation's *principal place of worship*.

Id. (emphasis added).

These rules prohibiting funds for construction, maintenance, or repair of a principal place of worship were finalized on September 30, 2003. This represents the Administration's most recent determination of the constitutionality of federal funding of the bricks and mortar of houses of worship.¹ The Subcommittee should apply the same principle here and deny federal funding to the California missions because they are undoubtedly principal places of worship for their congregations.²

CONCLUSION

To conclude, Americans United is fully aware of the historical and cultural significance of the California missions. However, it is essential for Congress to maintain our nation's commitment to safeguarding religious liberty for all Americans. Nineteen of the 21 California missions are churches, not just museums, and are still used for religious services. The repair and upkeep of the missions, therefore, must be paid for by those who worship there or by other interested individuals or private organizations through voluntary contributions. Under the mandates of our Constitution, the Subcommittee should deny funding to the California missions.

¹ Indeed, as recently as March 3, 2004, HUD issued new proposed regulations applicable to "HUD programs and activities," 69 Fed. Reg. 10126, in which HUD has, once again, proposed that "Sanctuaries, chapels, and other rooms that a HUD-funded religious congregation uses as its principal place of worship . . . are ineligible for HUD-funded improvements." *Id.* at 10127. Americans United will submit comments on these proposed regulations.

² Americans United took the position before HUD that the constitutional prohibition against federal assistance for the bricks and mortar of religious organizations is more sweeping than the final HUD regulations provide. See attachment. But even the final HUD regulations would prevent federal funding of any of the California missions in which religious services are conducted. Note.—Attachments have been retained in subcommittee files.

Once again, I thank you, Mr. Chairman, for the opportunity to address the Subcommittee on this important religious liberty issue, and I look forward to answering any questions you or your colleagues may have.

Senator THOMAS. Thank you, sir.
Mr. Stephen Hearst.

**STATEMENT OF STEPHEN T. HEARST, FOUNDING CHAIRMAN
OF THE BOARD, CALIFORNIA MISSIONS FOUNDATION, SAN
FRANCISCO, CA**

Mr. HEARST. Thank you, Mr. Chairman and members of the subcommittee. Thank you for the opportunity to testify today in support of legislation to restore, repair, and preserve California's 21 historic missions.

The good news is that going third, I have been able to edit my comments down. The bad news is they started out at 6 minutes. So I will try to get through them.

I am the founding chairman of the board of the California Missions Foundation and my family has a fairly rich legacy in contributing toward the restoration of the California missions. Over the years, the Hearst Foundation has contributed toward the mission preservation projects as well.

The foundation was created in 1998 to inform the public of the historical importance of the California missions, focusing attention on their preservation and ensuring the rich legacy of the mission history is preserved for future generations.

I want to thank Senator Boxer, Senator Feinstein, and others like Congressman Farr who have helped and supported this urgent piece of legislation, the California Missions Preservation Act. They recognize the need to attend to the deterioration of our Nation's historic icons and also the necessity to bring the Federal Government into partnership with State and private efforts for the purpose of restoring these meaningful California symbols. Thank you, Mr. Chairman, for making the hearing possible.

All of the missions have helped shape California history, the locations of cities, transportation routes, as well the cultural fabric.

This foundation was formed in 1998. It is an organized corporation operated exclusively under section 501(c)(3) of the U.S. Internal Revenue Code for charitable purposes. The foundation is comprised of a volunteer board of directors, which establishes the governing policies that outline the foundation's purposes and objectives, having general charge of the business affairs and activities for the foundation.

It was said earlier that this is a major component in the curriculum in fourth grade classrooms. 750,000 California children every year experience the missions through their studies and site visits. In 2000, the Missions Foundation designed an educational guide called the Missions of Alta, California that is available state-wide as a companion research tool for fourth graders in their annual mission projects.

Many of these missions are experiencing structural problems. The projects include seismic retrofitting which is the largest component of financial need. The restoration and preservation of mission artifacts are crucial not only in restoring their beauty and their an-

tiquity, but also in bringing them up to modern-day safety standards.

\$39 million was our estimate on the structural repairs and seismic work that needed to be done. That was prior to the December 22 earthquake in San Simeon that closed San Miguel. \$5.8 million is needed for the conservation of all Spanish colonial and mission era arts, paintings, statuary, sculptures, and manuscripts.

\$5.2 million is required for overdue visitor-related improvements like ADA rest rooms.

19 of the 21 missions are not funded by any government agency. Through the help of individuals, foundations, corporations, the foundation has raised \$3 million and has a long way to go to meet the original estimate of \$50 million.

Our request for assistance is to help us preserve these living landmarks. I am here today to ask for the financial assistance to help us save the California treasures so integral to our fabric and landscape.

As the Mission Foundation, we will also continue to pursue both State and private sources of financial aid as well.

The Federal support is crucial to our foundation's charge to preserve, protect, and maintain our California treasures for generations.

This funding would provide a strong impetus for our ongoing efforts and by authorizing a grants program under the Secretary of the Interior. Remember, these are matching funds. It is not just a gift.

The legislation also includes structured accountability requirements for the foundation with regard to reporting on the following: the missions' current conditions, the program of needed repairs, and then an annual report on all the followup.

In conclusion, Mr. Chairman, members of the subcommittee, I conclude by reiterating that this is a crucial need to uphold the historical value of these great monuments to our Western culture by investing in their future. It would be a great loss to our society and to our national legacy if we failed to save this historic treasures.

With regard to the separation of church and State, the buildings, art, and artifacts, while they may be religious in their history and theme, are very much worthy from a historical and artistic standpoint of restoration and care. I might add that probably in the neighborhood of the 10 or 20 percent of the function of the missions is focused on the religious aspect and the balance of it is tourism and visitations from local communities and so forth. The church aspect of the missions, while it is getting all the focus, seems to be the smallest component of what they do in serving all of their communities.

That is my testimony, sir.

[The prepared statement of Mr. Hearst follows:]

PREPARED STATEMENT OF STEPHEN T. HEARST, CHAIRMAN OF THE BOARD,
CALIFORNIA MISSIONS FOUNDATION

Mr. Chairman, Members of the Subcommittee, thank you for the opportunity today to testify in support of H.R. 1446 and S. 1306, legislation to restore, repair and preserve California's 21 historic missions.

My name is Stephen Hearst. I am the founding Chairman of the Board of the California Missions Foundation. William Randolph Hearst, my great-grandfather

and his mother, Phoebe Apperson, personally contributed to the restoration of the missions. Over the years, the Hearst Foundation has significantly funded mission preservation projects. The California Missions Foundation was created in 1998 to inform the public of the historical importance of the California Missions, focusing attention on their preservation and insuring that the rich legacy of mission history is preserved for future generations. The Foundation is charged specifically with managing the restoration and preservation of the missions.

I want to thank Senator Boxer, Senator Feinstein and all those who supported this urgent legislation introducing H.R. 1446 and S. 1306. They recognized the need to attend to the deterioration of our nation's historic icons and also the necessity to bring the federal government into the partnership of state and private efforts for the purpose of restoring these meaningful, California symbols. Thank you Mr. Chairman, for making this hearing possible today.

Missions' History:

- The California missions represent an historic vein running through our state, symbolizing exploration that expanded our nation to its four corners
- July 16, 1769—First mission, San Diego de Alcala was established in San Diego
- July 4, 1823—Last mission, San Francisco Solano was established in Sonoma
- All of the missions have helped shape California's history, transportation routes as well as its cultural fabric
- All 21 missions have been designated as California historical landmarks
- 7 missions have national historical landmark status

Foundation's History:

- Founded in 1998, the California Missions Foundation is an organized corporation operated exclusively under Section 501 (c)(3) of the US Internal Revenue Code for charitable purposes
- The Foundation is comprised of a volunteer Board of Directors which establishes the governing policies that outline the Foundation's purposes and objectives, having general charge of business affairs and activities of the Foundation
- Primary funding entities: Our top donors range from \$1 mil.-\$25k

State-wide Significance:

- Nearly 5.3 million people visit the missions each year, making them the most popular, historic, tourist attractions in California
- The financial contributions these 5 million+ visitors bring to California translate into great sources of state-wide revenue (hotels, restaurants, car rentals, the visitation of other local attractions, etc.)

Educational Significance:

- The missions also serve as an integral component of our statewide curriculum for 4th grade students every year, nearly 750,000 school children experience the missions through their studies and site visits
- In 2000, The Missions Foundation designed an educational guide, "The Missions of Alta California" that is available statewide as a companion research tool for 4th graders' annual school "Mission's Project"

Mission Needs:

- For 230 years, the missions have stood as symbols of Western exploration and settlement. Time, natural deterioration and under-funded maintenance have taken a heavy toll on the missions
- Many of the missions are experiencing structural problems and other deteriorating conditions. Projects including seismic retrofitting, and the restoration and preservation of mission artifacts are crucial not only in restoring their antique beauty, but also in bringing them up to modern safety standards
- \$39 million is needed to fund structural repairs, seismic work and deferred maintenance at all (21) missions
- \$5.8 million is needed for conservation of all Spanish colonial and mission-era paintings, statuary, sculptures, furniture, manuscripts, textiles and other irreplaceable mission artifacts
- \$5.2 million is required for overdue visitor-related improvements including ADA restrooms, upgrades of historical displays and expanded educational programs for schools and the visiting public

Mission San Miguel:

- The mission was already deteriorating due to age and decay. Deep cracks run from the rooflines to the doorways some large enough to fit your hand in. Walls in the sacristy are pulling apart; 200 year old frescoes are fading and chipping off.
- The 6.2 December 22nd San Simeon earthquake a few weeks ago caused further damage to the mission resulting in its closure to the public. Restoration work and repairs could now cost up to \$15 million.

Missions Funding:

- 19 of the 21 missions are not funded by any governmental agency
- Through the help of individuals, foundations and corporations, the California Missions Foundation has raised \$3 million and has a long way to go to meet the missions' needs

Request for Assistance:

- The missions stand as living landmarks of more than two centuries, recognized for their contributions to California's rich history and development especially in the area of art, architecture, agriculture, food, music, language, apparel and recreation
- I am here today to ask for financial assistance to help us save these California treasures so integral to our cultural fabric and landscape
- As the Missions Foundation, we will also continue to pursue State and private sources of financial support as well
- This Federal support is crucial to our Foundation's charge to preserve, protect and maintain all of the California missions for future generations

H.R. 1446/S. 1306:

- Would provide a strong impetus to our ongoing efforts by authorizing a grants program under the Secretary of the Interior
- Match federal funding
- The legislation also includes structured accountability requirements for the Foundation with regards to reporting on the following:
 - Missions' current conditions
 - Providing a program for repairs
 - Annual progress updates on the preservation work

Conclusion:

Mr. Chairman, Members of the Subcommittee, I conclude by reiterating that there is a crucial need to uphold the historical value of these great monuments to our Western culture by investing in their continuity. It would be of great loss to our society and to our national legacy if we failed to save these historic treasures.

With regard to concerns of maintaining a separation of church and state:

- The buildings, art and artifacts while they may be religious in their history and theme, are very much worthy, from an historical and artistic standpoint of restoration and care.

Thank you, Mr. Chairman and Members of the Subcommittee for your time today and for your interest in reviewing H.R. 1446 and S. 1306 for the purpose of preserving the history and heritage of our California Missions, keeping the doors open for generations to come. Your support is greatly appreciated.

Please feel free to explore our website www.missionsofcalifornia.org. There you'll find information about our preservation and educational outreach endeavors.

Senator THOMAS. Thank you. You did well in your timing. Thank you.

Mr. HEARST. Thank you.

Senator THOMAS. Mr. Costlow, your address on here—you are in Florida. Is that right?

Mr. COSTLOW. Yes. I have a house up in Pennsylvania and I had to move down to Florida a couple years ago, but I have been staying very active with the historical society. In fact, I am officially

in the State of Pennsylvania still the president and chairman of the society.

If the bill is approved, one of the things I am going to have to do is to redo our articles of incorporation with the State of Pennsylvania to change our role. So everything that we need to do we are doing. I do not see any surprises.

The supporting documents I gave may seem strange to people, but every one of those pages played an important role in getting to where we are.

Senator THOMAS. I am just going to ask a couple of quick questions, if you can give me a quick answer.

Has your club tried to get a private investor to do this?

Mr. COSTLOW. Yes, we have.

Senator THOMAS. And why did they not?

Mr. COSTLOW. In fact, I have the complete document. We had to—

Senator THOMAS. Just tell me why they did not—

Mr. COSTLOW. The Mellon Foundation donated \$17,500. We did a complete professional screening of the entire Nation. I have a complete folder right here on it. And we did not get any hits. The progress fund which was set up initially by the Department of the Interior was responsible for the nationwide part of it.

One of the problems we run into in this program is that the historic nature of the funding was previously provided by the Federal Government. That historic thing turns people off. We have a difficult time trying to get anybody to do it.

Senator THOMAS. Thank you.

Ms. Kelly, the bill directs the Secretary of the Interior to conduct a study of the sites. I understand that has been going on for some time. Do you know how much left there is to the study?

Ms. KELLY. What the special resource study would do is look at the management—well, the national significance, and I think that has been well documented. The suitability and the feasibility are questions that the National Park Service raised as to public access, the degree of contamination of the properties and its function as a museum where the public would be going in and out.

Senator THOMAS. How long do you think this will take?

Ms. KELLY. Well, I am thinking if we can have a concentrated effort—I am anxious to get the study done in the shortest possible time. It could be a year, would be probably the fastest anyone could do it, but that would be consistent with the kind of schedule we are—

Senator THOMAS. How many potential sites are there?

Ms. KELLY. Well, I think the legislation wants to focus on the three major sites. There are others. Trinity Site is one which has been discussed but it has been deliberately not included in this as a principal target of a special resource study.

Senator THOMAS. Reverend Lynn, are you aware of any instances where Federal funds are used in the maintenance of historic buildings of this type that are used by religious organizations?

Rev. LYNN. There are very few instances where any grants have gone to active congregations. There is an ongoing controversy regarding Old North Church in Massachusetts which was the recipient of a fairly modest grant earlier this year.

In general and up till 1992, no one in any kind of administration honestly believed you could give money to organizations that had an active congregation because notwithstanding what Mr. Hearst recently said, the truth is these were established for religious purposes. They are still active congregations. They are still on a weekly basis every weekend and through the week an active, ongoing religious institution. And I think there is no suggestion in any of the Supreme Court decisions since the 1970's to suggest that direct funding for the construction of religious buildings is constitutionally acceptable.

Senator THOMAS. So you do not think you could reasonably separate religious activity from the maintenance of a historic structure.

Rev. LYNN. I do not believe that that is literally possible, and I think in the real world in which that would be done, it would have to be done with such extraordinary scrutiny by some government official as to entangle the church and the state in ways that would violate other of the standard tests for determining unconstitutionality of funding.

Senator THOMAS. Mr. Hearst, who owns these buildings?

Mr. HEARST. The Archdiocese owns 19 of them and 2 are in the hands of State Park and Rec.

Senator THOMAS. Do you ever charge admission for this, you know, like a demonstration fee project or anything?

Mr. HEARST. Well, the individual missions charge admission for different components of their tours of the yards and gardens. Also many of them have gift shops. But it is literally nickels and dimes when you are talking about trying to support these structures, which again are very much out-of-date and being weathered by a couple of centuries.

There are instances where FEMA money has gone to missions. Both San Gabriel and San Fernando received \$1.3 million and \$1 million, respectively, after earthquake damage. It has been done and it can be done. It is an issue that is going to continue to be debated forever I imagine.

Senator THOMAS. Yes, I suppose.

Mr. HEARST. But it is our personal goal and our mission to make sure that we keep these structures functional for not only their communities but also for the fourth graders and for 5.3 million visitors every year.

Senator THOMAS. I understand.

Well, let me thank you all for taking time to be here. I know that from time to time there is disagreement. That is legitimate. But we are glad that you are here.

I think we will try and keep the record open for a couple days so if there are other members who would like to ask you written questions, why, they will be able to do that.

Otherwise, thank you so very much. The committee is adjourned.
[Whereupon, at 4:20 p.m., the hearing was adjourned.]

APPENDIXES

APPENDIX I

Responses to Additional Questions

Americans United for Separation of Church and State would like to take this opportunity to respond to Senator Domenici's questions regarding S. 1306/H.R. 1446, the "California Missions Preservation Act."

RESPONSES TO QUESTIONS FROM SENATOR DOMENICI

Question 1. Are you aware of any other instances where federal funds are being used for maintenance of houses of worship?

Answer. It has been the policy of the federal government for decades to forbid the use of federal grants for the construction, repair, or maintenance of any facility used for religious services. This policy was committed in writing in an October 31, 1995, legal memorandum issued by the U.S. Department of Justice's Office of Legal Counsel (OLC), in which that office concluded that a reviewing court, applying binding precedent, would "likely hold that making historic preservation grants to churches and other pervasively sectarian properties is inconsistent with the Establishment Clause."

However, on April 30, 2003, OLC issued an opinion reversing its 1995 memorandum. The new OLC opinion concluded that the "Establishment Clause does not bar the award of historic preservation grants to . . . active houses of worship that qualify for such assistance, and that the section of the National Historic Preservation Act that authorizes the provision of historic preservation assistance to religious properties is constitutional." As has been widely reported in the media, it is under this opinion that the Secretary of the Interior proceeded amidst considerable controversy to award historic preservation funds to the Old North Church in Boston and the Touro Synagogue in Newport, Rhode Island—efforts strongly criticized as unconstitutional by Americans United and other organizations committed to safeguarding religious liberty.

The new OLC memorandum, issued with no deference to prior, longstanding federal policy, is highly controversial and reflects nothing more than a highly politicized judgment from the Department of Justice. It essentially reflects wishful thinking on the part of the Department of Justice that the Supreme Court will, sometime in the future, overturn Supreme Court cases. As Professors Ira C. Lupu and Robert Tuttle of George Washington University Law School stated in a recent article, "The Bush Administration's recent announcements . . . venture into constitutionally questionable territory." The 2003 OLC opinion directly conflicts with the holdings of *Tilton* and *Nyquist*, which I discussed in my written testimony.

We are also aware that the Seattle Hebrew Academy recently received Federal Emergency Management Agency funds after the Administration reversed, by executive order, the long standing policy of FEMA to not fund religious institutions with active congregations. It is still unclear if the Hebrew Academy contains an active house of worship. There may be other instances of government funding for maintenance of houses of worship as well. Thus, even though we are aware that federal funds have been used in certain cases for the maintenance of houses of worship, all of these grants were unconstitutional. We are considering litigation on several of these matters.

Question 2. Can you think of any circumstances where it would be appropriate for Federal funds to be associated with religious activity in the United States?

Answer. Americans United strongly believes that direct government funding of religious organizations or activities and other funding schemes, such as vouchers,

raise serious constitutional issues. It has long been official policy of the United States that the government does not pay for proselytization and the spread of sectarian views.

Although the United States Supreme Court has repudiated the “pervasively sectarian” standard for in-kind provisions to religious institutions, a majority of the Court has noted the continued viability of the prohibition on the provision of monetary funds to pervasively sectarian institutions. See *Mitchell v. Helms*, 530 U.S. 793, 848, 855-56 (2000) (O’Connor, J., concurring) (noting, in upholding program, that no public “funds ever reach the coffers of a religious [institution] and that there are “special dangers associated with direct money grants to religious institutions” because such “aid falls precariously close to the original object of the Establishment Clause’s prohibition”).¹

In the context of federal funds being used for maintenance of houses of worship, three Supreme Court decisions make clear that it is unconstitutional to allow federal grants for the repair or preservation of structures devoted to worship or religious instruction, and all three of these decisions remain binding law on the federal government. In *Tilton v. Richardson*, 403 U.S. 672 (1971), the Court laid the framework for the current constitutional requirements regarding construction, upkeep, and maintenance of religious institutions’ physical facilities. *Tilton* involved a challenge to the constitutionality of a federal law under which federal funds were used by secular and religious institutions of higher education for the construction of libraries and other campus buildings. While the law allowed money to go to religious institutions, it also contained a proviso that expressly forbid funds from being used on buildings that would be used for worship or sectarian instruction. The Court upheld the program, but it unanimously held that the provision was constitutionally necessary and unanimously invalidated part of the statute that would have allowed religious schools to convert the federally funded facilities for worship or sectarian instruction after twenty years had passed. No building that was built with federal funds can ever be used for worship or sectarian instruction—that is *Tilton*’s clear holding. 403 U.S. at 692.

In two subsequent cases decided two years later, the Supreme Court clearly reaffirmed the principle that the First Amendment prohibits the government from subsidizing the construction or repair of buildings used as houses of worship. In *Hunt v. McNair*, 413 U.S. 734 (1973), the Supreme Court upheld the South Carolina Educational Facilities Authority Act, which established an “Educational Facilities Authority,” through which educational facilities could borrow money for use in their facilities at favorable interest rates. However, the Act required each lease agreement to contain a clause forbidding religious use in such facilities and allowing inspections to enforce that requirement. 413 U.S. at 744. The Court upheld the Act, including the condition that government-funded bond financed physical structures could never be used for religious worship or instruction.

Finally, in *Committee for Public Education v. Nyquist*, 413 U.S. 756 (1973), the Supreme Court struck down New York’s program of providing grants to nonpublic schools for use of maintenance and repair of “school facilities and equipment to ensure health, welfare, and safety of enrolled students.” 413 U.S. at 762. The Court summarized its previous holdings as “simply recogniz[ing] that sectarian schools perform secular, educational functions as well as religious functions, and that some forms of aid may be channeled to the secular without providing direct aid to the sectarian. But the channel is a narrow one.” *Id.* at 775. The Court then held that “[i]f the State may not erect buildings in which religious activities are to take place, it may not maintain such buildings or renovate them when they fall into disrepair.” *Id.* at 777. In other words, government funding for either the construction or maintenance and repair of physical structures is unconstitutional unless there is no possibility that the structures will be used for sectarian worship or instruction. Otherwise the government would be subsidizing religious activity. Notwithstanding these comments, there may be circumstances where government reimburses houses of worship, say, for taking in hurricane victims just as the local Holiday Inn may be reimbursed. It is also conceivable that property owned by a religious group but that has essentially been given over to public use (as in picnic grounds) and which is not the site of religious activities could be subsidized if that property met qualifications for preservation grants as purely historical or natural sites.

¹ Because there was no majority opinion in *Mitchell* and Justice O’Connor joined the judgment on the narrowest grounds, federal appellate courts have agreed that the holdings of *Mitchell* are set forth in Justice O’Connor’s opinion. See *Columbia Union College v. Oliver*, 254 F.3d 496, 504 & n.1 (4th Cir. 2001); *DeStefano v. Emergency Hous. Group, Inc.*, 247 F.3d 397, 419 (2d Cir. 2001); *Johnson v. Economic Dev. Corp.*, 241 F.3d 501, 510 n.2 (6th Cir. 2001).

Question 3. Are you aware of any instances where churches or other houses of worship have received Federal funds for maintenance, restoration, or historic preservation efforts?

Answer. Please see answer to question #1.

STEVE HEARST,
CALIFORNIA MISSIONS FOUNDATION,
San Francisco, CA, March 30, 2004.

Steve Hearst, Chairman of the California Missions Foundation was asked by Sen. Domenici to respond to the following (4) questions:

Question 1. Are visitors charged an admission fee at any of the California Missions?

Answer. Twelve (12) California missions requested a donation for admission. Nine (9) missions charge an admission fee. Paid admissions range from \$1.00 to \$5.00.

Question 2. How much does the Roman Catholic Church contribute annually to the preservation and maintenance of the California Missions?

Answer. Two California mission owned by the State of California, Department of Parks and Recreation receive funds for preservation and maintenance when available. All other missions receive no funding from the Church for preservation, repairs and maintenance. Each mission relies on admissions, donations, gift stores and fund raising events to keep their doors open to the 5.3 million annual visitors.

Question 3. Does the Roman Catholic Church own the California Missions? If not, who does and for how long?

Answer. After the American occupation of Alta California, the property rights of the missions were reviewed by the federal land Commission, and some of the lands and buildings were returned to the Church by acts of Congress in the 1850's and 1860's. California missions are under the following jurisdictions:

DIOCESE OF SAN DIEGO

Mission San Luis Rey (Oceanside)
Mission Basilica San Diego de Alcala

DIOCESE OF ORANGE

Mission San Juan Capistrano (San Juan Capistrano)

ARCHDIOCESE OF LOS ANGELES

Mission San Buenaventura (Ventura)
Mission Santa Inez (Solvang)
Mission San Fernando (Mission Hills)
Mission San Gabriel (San Gabriel)
Mission Santa Barbara (Santa Barbara)

DIOCESE OF MONTEREY

Mission San Luis Obispo (San Luis Obispo)
Mission San Miguel (San Miguel)
Mission San Antonio de Padua (Jolon)
Mission Soledad (Soledad)
Mission Basilica San Carlos Borromeo del Rio Carmelo (Carmel)
Mission Santa Cruz (Santa Cruz)
Mission San Juan Bautista (San Juan Bautista)

DIOCESE OF OAKLAND

Mission San Jose (Fremont)

JESUITS AND SANTA CLARA UNIVERSITY

Mission Santa Clara (Santa Clara)

ARCHDIOCESE OF SAN FRANCISCO

Mission San Francisco de Asis (San Francisco)
Mission San Rafael (San Rafael)

CALIFORNIA DEPARTMENTS OF PARKS

Mission La Purisima State Historic Park (Lompoc)
Mission San Francisco Solano State Historic Park (Sonoma)
Mission Santa Cruz State Historic Park (Santa Cruz)

TITLE FOR CALIFORNIA MISSIONS

The Church has held title to most of the California missions since some of the lands and buildings were returned to the Church by acts of Congress in the 1850's and 1860's. The State of California Department of Parks and Recreation has title to two missions: Mission La Purisima and Mission San Francisco Solano.

Mission San Diego property was returned to the church in 1862.
 Mission Carmel property was returned to the Church in 1856.
 Mission San Antonio de Padua property was returned to the Church in 1862.
 Mission San Gabriel property was returned to the Church in 1859.
 Mission San Luis Obispo property was returned to the Church in 1859.
 Mission San Francisco de Asis property was returned to the Church in 1857.
 Mission San Juan Capistrano property was returned to the Church in 1860.
 Mission Santa Clara property was acquired by the Jesuits in 1851.
 Mission San Buenaventura property was returned to the Church in 1862.
 Mission Santa Barbara property was returned to the Church in 1865. The Franciscans now own the mission.
 Mission La Purisima State Historic Park was acquired by the State of California in 1935. It became a state park in 1940.
 Mission Santa Cruz was completely destroyed by an earthquake in 1857. The Church rebuilt replica of the mission in 1931.
 Mission Soledad property was returned to the Church in 1859.
 Mission San Juan Bautista property was returned to the Church in 1865.
 Mission San Miguel property was returned to the Church in 1859.
 Mission San Fernando property was returned to the Church in 1861.
 Mission San Luis Rey property was returned to the Church in 1865. The Franciscans now own the mission.
 Mission Santa Ines property was returned to the Church in 1862.
 Mission San Rafael property was returned to the Church in 1855.
 Mission San Francisco Solana State Historic Park was acquired by the State of California in 1906.

Question 4. Have any of the California Missions ever received federal funding for maintenance, restoration or any other activities?

Answer. Several California missions have received federal, state and/or local government funding for preservation projects including:

- Mission San Gabriel received 5350,000 from the State of California after the 1987 earthquake. The mission received \$1,400,000 from the federal government (FEMA) after the 1994 San Gabriel earthquake. The federal funds were given directly to the Archdiocese of Los Angeles.
- Mission San Fernando received \$1,000,000 from the federal government (FEMA) after the 1994 earthquake as well as a grant from the State of California, Office of Historic Preservation. The federal grant was given directly to the Archdiocese of Los Angeles.
- Mission San Juan Capistrano received a \$140,000 grant from the federal government as well as federal highway funds to restore historic ruins.
- Mission San Luis Rey has received approximately \$14,000 from the county government
- Mission San Jose received 5900,000 from the State of California for seismic retrofitting the mission in 2000.

In 2003 federal grants to be used to renovate churches and religious sites that are designated historic landmarks were awarded to the Old North Church in Boston (\$317,000) and the Touro Synagogue in Rhode Island (\$375,000).

Please contact our office if you need any clarification or additional information regarding these questions and the California Missions.

Have a good evening.

TOYIA WORTHAM,
Assistant to Steve Hearst.

STEVE HEARST,
 CALIFORNIA MISSIONS FOUNDATION,
San Francisco, CA, March 30, 2004.

Please note the correction to #3.

Question 3. Does the Roman Catholic Church own the California Missions? If not, who does and for how long?

JESUITS AND SANTA CLARA UNIVERSITY

Mission Santa Clara (Santa Clara)

ARCHDIOCESE OF SAN FRANCISCO

Mission San Francisco de Asis (San Francisco)

Mission San Rafael (San Rafael)

CALIFORNIA DEPARTMENTS OF PARKS

Mission La Purisima State Historic Park (Lompoc)

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Mission San Gabriel property was returned to the Church in 1859.

Mission San Luis Obispo property was returned to the Church in 1859.

Mission San Francisco de Asis property was returned to the Church in 1857.

Mission San Juan Capistrano property was returned to the Church in 1860. The Jesuits acquired Mission Santa Clara property in 1851.

Mission San Buenaventura property was returned to the Church in 1862.

Mission Santa Barbara property was returned to the Church in 1865. The Franciscans now own the mission.

Mission La Purisima was acquired by the State of California in 1935. It became a state historic park in 1940.

Mission Santa Cruz was completely destroyed by an earthquake in 1857. The Church rebuilt replica of the mission in 1931.

Mission Soledad property was returned to the Church in 1859.

Mission San Juan Bautista property was returned to the Church in 1865.

Mission San Miguel property was returned to the Church in 1859.

Mission San Fernando property was returned to the Church in 1861.

Mission San Luis Rey property was returned to the Church in 1865. The Franciscans now own the mission.

Mission Santa Ines property was returned to the Church in 1862.

Mission San Rafael property was returned to the Church in 1855.

Mission San Francisco Solano was deeded to the State of California Division of Parks and beaches by the Historic Landmarks League in 1926. it became a state historic park in 1927.

Please contact our office if you need any clarification or additional information regarding these questions and the California Missions.

Have a good evening.

TOYIA WORTHAM,
Assistant to Steve Hearst.

APPENDIX II

Additional Material Submitted for the Record

LOS ALAMOS NATIONAL LABORATORY
Los Alamos, NM, March 9, 2004.

Hon. JEFF BINGAMAN,
Ranking Member, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

Dear Senator Bingaman, I have reviewed S. 1687, the Manhattan Project National Historic Park Study Act of 2003, with great interest and strongly support all efforts to pass this important historic preservation legislation.

The Los Alamos National Laboratory has been the Site of many of the most significant events in science and engineering of the 20th century. The Laboratory's 60-year history is replete with individuals such as Robert Oppenheimer, Edward Teller, and Nicholas Metropolis who were instrumental in leading America's march into the nuclear age. In addition to its people, the Laboratory complex still contains many of the key installations built during the early days of the Manhattan Project.

It is the preservation of these sites, both on and outside of Laboratory property, which makes this legislation critical to maintaining an understanding of the country's role in the nuclear age. Although several of the key Manhattan Project sites and structures are situated behind our security perimeter, I am committed to working with the National Nuclear Security Administration to provide public access to these areas, including the old gun site at Technical Area 8 where the first nuclear weapon was designed.

The involvement of the National Park Service as a sponsoring government agency will increase the likelihood of allowing limited uncleared access into restricted areas like those containing the gun site. This government-to-government partnership is crucial from a security aspect because tours conducted by another government agency are more easily coordinated. I also believe that this legislation will foster extensive collaboration between the National Park Service and the Laboratory's Bradbury Science Museum, which is located in downtown Los Alamos.

The Los Alamos National Laboratory, through our workforce and community, has and will continue to play a pivotal role in our country's national security. Having a stronger historical perspective and interpretation of the Manhattan Project as provided through this legislation will help increase employee morale and provide the Laboratory with an additional resource in recruiting the next generation of scientists and engineers.

In closing, I would again like to offer my strongest support for this legislation and urge its swift enactment.

Sincerely,

G. PETER NANOS,
Laboratory Director.

PREPARED STATEMENT OF DEL BALLARD, PRESIDENT, B REACTOR MUSEUM
ASSOCIATION, ON H.R. 3207 AND S. 1687

This statement is in support of Senate Bill S. 1687, and its companion Bill H.R. 3207, "The Manhattan Project Historic Park Study Act of 2003".

The Manhattan Project, the top-secret effort in World War II to develop an atomic weapon ahead of the Nazis, was one of the most significant undertakings in American and world history. Yet the history of this huge endeavor has been "largely invisible" to the American public because of the secrecy and security applied.

The sites that were selected for the development and production facilities needed for producing the atomic bomb included Oak Ridge, TN; Hanford, WA; and Los Alamos, NM. Hanford was selected for the location of facilities to produce plutonium.

Plutonium was the newly discovered element that could be produced in relative abundance from natural uranium, by the fission process, in an atomic reactor.

Three reactors—at that time called “piles”—were constructed at Hanford under the Manhattan Project. The first and therefore the most historic was the B Reactor. The historical significance of this facility is unquestionable. It was the worlds full scale production reactor, produced the material for the first ever atomic explosion, and the plutonium used for the weapon released over Nagasaki, Japan on August 9, 1945, bringing a conclusive end to W.W. II a few days later.

Preserving the history generated by the Manhattan Project should be of paramount interest for our government. Executive Order #13287, “Preserve America”, issued in 2003 calls for the Federal government to “provide leadership in preserving America’s heritage by actively advancing the protection, enhancement, and contemporary use of the historic properties owned by the Federal government. In Addition, the Order directs the Federal government to “promote local economic development and vitality through the use of historic properties in a manner that contributes to the long-term preservation and productive use of those properties.”

As recently quoted by Senator Cantwell: The B Reactor at Hanford made significant contributions to the United States’ defense policy from World War II through the Cold War. I believe it is tremendously important that future generations know the history and impact of the B Reactor as well as the other various Manhattan Project sites. It is critical that our nation reflect on both the Manhattan Project’s unprecedented engineering achievements, such as B Reactor, as well as the human and environmental costs of such initiative, which changed the course of world history.

The Park Service Study to be authorized by S. 1678 is vitally important for the long term preservation of Manhattan Project resources and specifically the B Reactor.

The Department of Energy has indicated they consider it quite commendable that the B Reactor be considered for use as a museum or monument to commemorate the notable engineering achievement, but they cannot utilize clean-up funds to support long-term public use. Their position is that if a long term operating partner is not identified the facility will not be preserved.

The study to be authorized by this bill does not prejudice what role the National Park Service might play but will assess management alternatives. Consideration will be given to the roles of state and local governments, Indian tribes, private sector and other federal agencies and various cooperative management arrangements.

The Department of Energy is committed to a timely and cost effective cleanup of Hanford production facilities. They are asking that a decision be reached by September 2005 for the final disposition of the B Reactor. In order to avoid delaying the accelerated clean-up of the Department of Energy sites, to the extent possible the requested study should be done on an accelerated schedule. To ensure adequate funding, we recommend that funds in the amount of \$850,000 be included in the Energy and Water Development Appropriations for FY 2006 for this purpose and that the Secretary of Interior consult with the Secretary of Energy throughout the process.

The B Reactor Museum Association strongly supports legislation to authorize this study.

PREPARED STATEMENT OF HON. DOC HASTINGS, U.S. REPRESENTATIVE FROM THE
STATE OF WASHINGTON

Mr. CHAIRMAN: I appreciate the opportunity to offer my support for the legislation before the committee today. I also would like to thank my colleague from Washington, Senator Cantwell for requesting this hearing and for her work on this issue. Passage of the “Manhattan Project National Historical Park Study Act of 2003” would be an important step forward in preserving important aspects of our nation’s past. The historic B-Reacto, located at the Hanford site in Central Washington, is one of the most significant aspects of the legislation. I have been working hand-in-hand with Senator Cantwell on preservation of the B-Reacto. With bipartisan support for this project, I am hopeful that legislation can be enacted this year.

Hanford’s nuclear history began in the 1940’s and nuclear production at Hanford played a pivotal role in our nation’s defense for more than 40 years. An integral part of the Manhattan Project, the World War II effort to develop and construct the first atomic bomb, the work done at Hanford helped win World War II. Later, nuclear production at Hanford helped provide the nuclear deterrence that helped defeat communism and win the Cold War.

One of the key components to Hanford's nuclear production success was the B Reactor. In 1943, only months after Enrico Fermi first demonstrated that controlled nuclear reaction was possible, ground was broken on the B Reactor—which became the world's first full-scale plutonium production reactor. The B Reactor produced the plutonium for the first ever manmade nuclear explosion and for the bomb dropped on Nagasaki that helped win World War II.

I've toured B Reactor and seen first-hand that it is an amazing feat of engineering and a site of national historical significance. The B Reactor is largely maintained in its original state and provides visitors with a true feeling of the 1940's era and the Manhattan Project.

I believe preservation of the B Reactor would help tell the story of the Manhattan Project and serve as a useful education tool—especially for those generations who didn't live through World War II or the Cold War. It represents a unique part of Central Washington's history and our nation's history that should not be forgotten.

I want to offer my full support for legislation to preserve the historical legacy of the Manhattan project sites. I hope legislation can be adopted by both the House and the Senate yet this year to start the process moving forward. Mr. Chairman—Thank you for the opportunity to share my views with the committee. I look forward to continuing to work on this issue with the Committee and my colleague from Washington.

COMMITTEE ON RULES,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, March 8, 2004.

HON. CRAIG THOMAS
Chairman, Committee on Energy and Natural Resources, Subcommittee on Parks, Historic Preservation and Recreation, Washington, DC.

Dear Chairman Thomas, Thank you for holding this hearing of the Subcommittee on Parks, Historic Preservation and Recreation for H.R. 1446, the California Missions Preservation Act. As you know, this legislation would authorize \$10 million over five fiscal years to support the efforts of the California Missions Foundation in restoring and repairing our 21 historic missions, and preserving their artwork and artifacts. This federal funding would supplement State funding, and a statewide private campaign dedicated to ensuring the future of the missions.

The missions have evolved to become bases for community-wide events such as concerts and art exhibitions as well. They are also an important part of California's booming travel and tourism industry. As you know, California is the number one travel destination in the United States, and its missions are the most visited historic attractions in the state, drawing more than five and a half million tourists a year.

In addition, because of their significance to California's rich history, the historic missions are a subject of study for elementary school students. The state's fourth grade school children have the opportunity to study the missions and often visit them as part of their western history curricula. This serves an important education function in teaching young students about the role of the missions in California's development from a vast wilderness in the mid-18th Century to a civilization ripe for statehood in the 1840's.

I am pleased to support my colleague, Sam Farr, in his efforts to see this legislation enacted. I also commend Senator Barbara Boxer for her partnership in this moving this bill through the Senate, and encourage the Subcommittee's support in preserving the history of California's missions for future generations.

Sincerely,

HON. DAVID DREIER,
Chairman.

PREPARED STATEMENT OF THE FRIENDS OF HISTORIC SAN ANTONIO MISSION
ON S. 1306 & H.R. 1446

Dear committee members, the Friends of Historic San Antonio Mission wishes to go on record as being fully supportive of the above named bills which propose funds to the CA Missions Foundation for the restoration and repair of the Spanish colonial missions here in California.

We encourage you to vote favorably for these measures when they come before your committee on March 9. Thank you.

Sincerely,

SUE WATSON,
President, Friends of Historic San Antonio Mission.

